By Mr. STALKER: A bill (H. R. 12170) granting an increase of pension to Amelia C. Keck; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 12171) granting an increase of pension to Nancy M. Moore; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 12172) granting an increase of pension to Margaret Hedges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12173) granting a pension to Didama McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12174) granting an increase of pension to Anna Snurpus; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3649. By Mr. GALLIVAN: Petition of United Building Trades Council, Boston, Mass., protesting against Senate bill 3218, known as the "blue law"; to the Committee on the District of Columbia.

3650. By Mr. O'CONNELL of New York: Petition of the New York State Forestry Association (Inc.), Albany, N. Y., favoring the passage of the game refuge-public shooting grounds bill; to the Committee on Agriculture.

3651. Also, petition of the Munson Steamship Line, favoring the passage of House bill 11957; to the Committee on Foreign Affairs.

3652. By Mr. TEMPLE: Petition of evidence in support of House bill 12073, a bill granting a pension to Maggie E. Anderson, widow of John N. Anderson, late of Company K, Sixth Regiment Pennsylvania Heavy Artillery; to the Committee on Invalid Pensions.

SENATE

THURSDAY, *February 5, 1925*

(Legislative day of Tuesday, February 3, 1925)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. As in legislative session, the Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 17 and 29 to the said bill, and had concurred therein; that the House had receded from its disagreement to the amendments of the Senate Nos. 1, 7, and 9, and had concurred therein severally with an amendment, in which it requested the concurrence of the Senate; and that the House insisted upon its disagreement to the amendment of the Senate No. 42.

ENROLLED BILLS

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills:

H. R. 10413. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River, at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," approved February 27, 1919;

H. R. 10887. An act granting the consent of Congress to the State of Alabama to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala.; and

H. R. 11035. An act granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River at a point approximately 19.1 miles above the mouth of the river, in the counties of Allegheny and Westmoreland, in the State of Pennsylvania.

As in legislative session,

PETITIONS AND MEMORIALS

Mr. FESS presented resolutions adopted by Robert E. Bentley Post, American Legion, Department of Ohio, at Cincinnati, Ohio, favoring the passage of legislation to remedy for the future the condition of those who volunteer or are drafted to bear arms and are returned to civil life handicapped in the effort to reestablish themselves, etc., which were referred to the Committee on Military Affairs.

Mr. CAPPER presented a memorial of sundry citizens of Harper County, Kans., remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution adopted by the Sixth Annual Ohio Pastors' Convention at Columbus, Ohio, favoring the adhesion of the United States to the Permanent Court of International Justice under the terms of the so-called Harding-Coolidge-Hughes plan, and the adoption of other measures tending toward the making of a warless world, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Cleveland and Logan Counties, in the State of Ohio, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. BRUCE, from the Committee on Claims, to which was referred the bill (S. 2454) to extend the benefits of the employers' liability act of September 7, 1916, to Gladys L. Brown, a former employee of the Bureau of Engraving and Printing, Washington, D. C., reported it without amendment and submitted a report (No. 998) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 10528) to refund taxes paid on distilled spirits in certain cases, reported it without amendment and submitted a report (No. 999) thereon.

Mr. SHIPSTEAD, from the Committee on Foreign Relations, to which was referred the bill (S. 4107) to authorize the President in certain cases to modify visé fees, reported it without amendment.

Mr. BURSUM, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3883) providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, and Taos Counties, N. Mex., within the Mora Grant, and adjoining one or more national forests, by exchanging therefor timber, within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona, reported it without amendment and submitted a report (No. 1000) thereon.

Mr. BROOKHART, from the Committee on Claims, to which was referred the bill (S. 2013) for the relief of Immaculato Carlino, reported it with an amendment and submitted a report (No. 1001) thereon.

He also, from the same committee, to which was referred the bill (S. 2131) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims, reported it with amendments and submitted a report (No. 1002) thereon.

Mr. STERLING, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3799) authorizing the Postmaster General to permit the use of precanceled stamped envelopes (Rept. No. 1003); and

A bill (S. 3967) to authorize the Postmaster General to rent quarters for postal purposes in certain cases without a formal written contract, and for other purposes (Rept. No. 1004).

Mr. BALL, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2264) to authorize the closing of a part of Thirty-fourth Place NW. and to change the permanent system of highways plan of the District of Columbia, and for other purposes (Rept. No. 1005);

A bill (H. R. 8410) to change the name of Third Place NE. to Abbey Place (Rept. No. 1006); and

A bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes (Rept. No. 1007).

Mr. LADD, from the Committee on Public Lands and Surveys, to which were referred the the following bills, reported

them severally without amendment and submitted reports thereon:

A bill (S. 3998) granting certain lands to the city of Delta, State of Colorado, for public park and recreational grounds, and for other purposes (Rept. No. 1008);

A bill (S. 4109) relative to the acquirement of national parks, to be known as Shenandoah National Park and Smoky Mountain National Park (Rept. No. 1009);

A bill (S. 4132) to authorize the exchange of certain patented lands in the Rocky Mountain National Park for Government lands in the park (Rept. No. 1010);

A bill (H. R. 4522) to provide for the completion of the topographical survey of the United States (Rept. No. 1011); and

A bill (H. R. 10143) to exempt from cancellation certain desert-land entries in Riverside County, Calif. (Rept. No. 1012).

Mr. LADD also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3839) to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes, reported it with an amendment and submitted a report (No. 1013) thereon.

He also, from the same committee, to which was referred the bill (H. R. 9765) granting to certain claimants the preference right to purchase unappropriated public lands, reported it with amendments and submitted a report (No. 1014) thereon.

Mr. EDWARDS, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 9435) to provide for commitments to, maintenance in, and discharges from the District Training School, and for other purposes (Rept. No. 1015); and

A bill (H. R. 10348) authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold, donated to the United States for park purposes (Rept. No. 1016).

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 4004) to amend the act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887, reported it with amendments and submitted a report (No. 1017) thereon.

Mr. LADD, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8438) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River from Cliff Street, McKeesport, to a point opposite in the city of Duquesne (Rept. No. 1018);

A bill (H. R. 11255) granting the consent of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va. (Rept. No. 1019);

A bill (H. R. 11367) granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania (Rept. No. 1020); and

A bill (H. R. 11706) to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Road crossing, Idaho (Rept. No. 1021).

JOHN N. KNAUFF CO. (INC.)

Mr. TRAMMELL, from the Committee on Claims, reported the following resolution (S. Res. 326), which was ordered to be placed on the calendar.

Resolved, That the bill (S. 2588) for the relief of John N. Knauff Co. (Inc.), now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GLASS:

A bill (S. 4228) for the relief of Robert B. Sanford; to the Committee on Naval Affairs.

By Mr. SIMMONS:

A bill (S. 4229) granting the consent of Congress to the State Highway Commission of North Carolina to construct a bridge across the Chowan River at or near the city of Edenton, N. C.; to the Committee on Commerce.

By Mr. NORBECK:

A bill (S. 4230) to authorize the Secretary of the Treasury to prepare a medal, with appropriate emblems and inscriptions commemorative of the Norse-American Centennial; to the Committee on the Library.

By Mr. COPELAND:

A bill (S. 4231) to make a survey of the Saratoga battle fields and adjacent country, to provide for the compilation and preservation of data, showing the various positions and movements of troops at these battles, illustrated by diagrams, and for other purposes; to the Committee on Military Affairs.

By Mr. STERLING:

A bill (S. 4232) to amend section 409, Revised Statutes of the United States, relating to fines, penalties, forfeitures, and liabilities in the Postal Service; to the Committee on Post Offices and Post Roads.

By Mr. McKINLEY:

A bill (S. 4233) granting a pension to Francis S. Haynes; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4234) granting an increase of pension to Frederick Hinkey; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 4235) granting a pension to Elizabeth J. Mills Young; and

A bill (S. 4236) granting an increase of pension to John Mack; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4237) providing that the Government property at Black Point on the St. Johns River in Duval County, Fla., acquired for use as a militia target range, be donated to the State of Florida for military purposes; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 4238) to authorize the appointment of Roy C. Starr as a captain of the Dental Corps of the Medical Department, Regular Army; to the Committee on Military Affairs.

By Mr. BALL:

A bill (S. 4239) to provide for the exchange of certain lands now owned by the United States, in the town of Newark, Del., for other lands; to the Committee on Public Buildings and Grounds.

LANDS IN PROPOSED SMOKY MOUNTAIN NATIONAL PARK

Mr. SIMMONS submitted an amendment intended to be proposed by him to the bill (S. 4109) relative to the acquirement of national parks, to be known as Shenandoah National Park and Smoky Mountain National Park, which was referred to the Committee on Public Lands and Surveys, and ordered to be printed.

AMENDMENTS TO RIVERS AND HARBORS BILL

Mr. BRUCE and Mr. McNARY each submitted an amendment intended to be proposed to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were referred to the Committee on Commerce, and ordered to be printed.

NOMINATION OF HARLAN FISKE STONE

The Senate, pursuant to its order, proceeded to the consideration of executive business in open executive session.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	Kendrick	Reed, Mo.
Ball	Ernst	King	Reed, Pa.
Bayard	Ferris	Ladd	Sheppard
Bingham	Fess	McKellar	Shields
Borah	Fletcher	McKinley	Shipstead
Brookhart	Frazier	McLean	Shortridge
Broussard	George	McNary	Simmons
Bruce	Gerry	Mayfield	Smith
Bursum	Glass	Means	Smoot
Butler	Gooding	Metcalf	Stanfield
Cameron	Greene	Moses	Stanley
Capper	Hale	Neely	Sterling
Caraway	Harreld	Norbeck	Swanson
Copeland	Harris	Norris	Trammell
Couzens	Harrison	Oddie	Wadsworth
Cummins	Heflin	Overman	Walsh, Mass.
Curtis	Howell	Owen	Walsh, Mont.
Dale	Johnson, Calif.	Pepper	Warren
Dial	Johnson, Minn.	Phipps	Watson
Dill	Jones, N. Mex.	Pittman	Wheeler
Edge	Jones, Wash.	Ransdell	Willis

The PRESIDING OFFICER (Mr. MOSES in the chair). Eighty-four Senators having answered to their names, a quorum is present. The Senate being in open executive session, the question is, Shall the Senate advise and consent to the nomina-

tion of Harlan Fiske Stone to be Associate Justice of the Supreme Court of the United States. The Senator from Montana [Mr. WALSH] is recognized as entitled to the floor.

Mr. WALSH of Montana. Mr. President, I rise this morning merely for the purpose of calling attention to a number of articles appearing in the press, which I desire to submit for the RECORD, evidencing some of the difficulties under which Senators discharge their duties to their constituents and country.

The first is an editorial appearing in the Washington Post of Thursday, January 29, 1925, the day after the Senate Committee on the Judiciary heard the Attorney General, Harlan F. Stone, after the matter of confirmation of his appointment of associate justice had been recommitted to that committee. In general it is a eulogium of the Attorney General and a castigation of myself, and in about the proportion in which the editorial grows extravagant in the praise of the Attorney General it heaps obloquy upon me. It is entitled "Thank God for a man." I ask that the editorial be inserted at length in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington Post, Thursday, January 29, 1925]

THANK GOD FOR A MAN!

The people of the United States stand aghast at the unprecedented action of the Senate in dealing with the nomination of Attorney General Harlan F. Stone to be an Associate Justice of the Supreme Court.

The Senate has permitted itself to be drawn into a proceeding that constitutes an attack upon the due and orderly administration of justice. This attack can not be continued and its purpose can not be consummated without arousing furious and righteous popular resentment against the Senate.

Attorney General Stone is held responsible by law and by his oath for the initiation of inquiries by grand juries into prima facie cases of crime committed against the United States. In the prosecution of this duty he directed that a set of facts, fortified by documentary evidence, be laid before a Federal grand jury, indicating that a conspiracy to defraud the United States had been entered into and overt acts committed in the District of Columbia.

One of the parties connected with the case to be laid before the grand jury is a United States Senator. Another Senator, his colleague, acts as his counsel. Attorney General Stone, from a sense of full fairness, wrote to the Senator who acts as counsel for the other, and advised him that the grand jury was to consider the case in question, and that the Senator involved could appear and testify before the grand jury if he wished, and to produce witnesses in his own behalf, with the usual waiver of immunity.

Thereupon the Senator acting as counsel for the other interposed his objection as a Senator to the confirmation of Mr. Stone's nomination to the Supreme Court. This Senator based his objection upon the fact that the Attorney General *dared to lay the conspiracy charges before the grand jury.* It was declared that the Department of Justice was engaged in "persecuting" a Senator; that he was to be dragged 2,500 miles from his home to be tried in a foreign jurisdiction; and that before Mr. Stone should be approved as a Justice of the United States Supreme Court he should clear himself of the charge or imputation that he was engaged in an attempt to send an innocent man to jail by misusing his power as head of the Department of Justice.

The Senator acting as counsel also had the audacity to assert that his client *could not expect a fair trial in the Federal courts of the District of Columbia.*

The Senate allowed itself to be drawn into yesterday's astounding proceeding, in which the Attorney General was called to the stand and cross-questioned by the counsel of a man soon to be under grand-jury investigation. *The cross-questioning was done, not by the counsel in his capacity as counsel but in his official capacity as a Senator and a member of the Committee on the Judiciary, passing upon the qualifications of a presidential nominee to the highest court in the land.* The cross-questioning was aided by the Senator who is to be under grand-jury investigation. Questions were propounded to the head of the Department of Justice for the purpose of extorting from him information regarding the nature of the charges, the identity of witnesses, the existence of documentary evidence, etc. Mr. Stone refused to answer these questions. He could not have answered them without violating his oath of office and betraying the United States, which is the prosecutor against all persons indicted by grand juries.

It will be recalled that the Senate, with incomprehensible disregard of its functions, has conducted an inquiry into certain charges against the Senator who is about to be investigated by a grand jury upon another charge and adopted a report which declared that the Senator in question was innocent. *This act by the Senate was a dangerous, indefensible intrusion into the realm of the judicial power. Nothing like it has ever been known. The effect, if not the intent, of the action was to intimidate the courts in the administration of justice.*

Whether or not the Senate has now permitted this still more gross and intolerable proceeding for the purpose of preventing any developments that would make its former action ridiculous, or *whether Senators have merely neglected their duty and allowed the Senate to be used as the instrument of obstruction of justice, does not matter much now. The mistaken step was taken.*

A Senator, acting in the equivocal capacity of counsel for another Senator under judicial investigation, is virtually saying to the Attorney General: *"I have the power to prevent you from becoming a member of the Supreme Court. If you dare to continue the inquiry before the grand jury into charges against my client, I can and shall prevent your confirmation. But if you will violate your oath of office, betray the law, and poison the source of justice, I will withdraw my objections and you can become a Justice of the Supreme Court."*

The people of the United States will pass judgment upon this individual Senator. But the matter has gone beyond the stage of individual misconduct. It has become a question of the fidelity of the Senate itself as a whole.

Is the Senate to interpose its objection to the administration of justice whenever a Senator is involved?

This is a question that goes to the very foundations of government in this country. If the Senate can block justice in one instance, it can block it always in all cases. If it can prevent a judicial investigation, it can provoke one. It can punish the innocent and protect the guilty.

The courts of the United States, the Department of Justice, the United States attorneys, even the Supreme Court itself, can not be held safe and free if the Senate can usurp this power.

This shocking attempt to cloak a plain attempt at intimidation in the guise of "persecution" must fail if the Republic is to survive.

And lest we forget, while light is piercing the darkness of the past, let us thank God for a man at the front backed by the calm courage and indomitable will that spring from the granite hills of the North!

Mr. WALSH of Montana. I call attention at this time only to the following paragraph appearing in the article after the writer has paid his respects unsparingly to me:

The Senator acting as counsel also had the audacity to assert that his client could not expect a fair trial in the Federal courts of the District of Columbia.

I had a rather general idea of the significance of the word "mendacity," but in order to appreciate its full import I went to the dictionary and learned therefrom that "mendacity" is the "quality of being mendacious, a disposition to lie or deceive, habitually lying." So that, Mr. President, I am not only accused in the editorial of lying in connection with the statement made, but of lying because I am an habitual liar. Well, the Washington Post has its own grievances against me, and accordingly it employs the most noted lampoonist in America, who proceeds to take it out of me through its columns.

But, Mr. President, that is a matter of small consequence. The population of the city of Washington is approximately 400,000. Perhaps one-fourth of that whole number are actually engaged in the Government service, employees of the Government. If I am to judge from importunities that are addressed to me and, as I know, to other Senators, I assume that at least 90 per cent of those are constantly looking either for promotion or raises in salary, or both.

I am accused of mendacity, Mr. President, because I express some apprehension that a prosecution conducted by the Government against a man who is a stranger in the community, living 2,500 miles away, in which the administration has shown a special interest, may not be altogether fair to him.

Not only that, Mr. President, but by reason of the fact that the Republican Party has long been in power in this country there has been attracted to this community a large proportion of its population. We can not dispossess our minds of the fact that there is a political factor involved in the prosecution against Senator WHEELER, and, of course, those alleged to have been associated with him.

It will be recalled, as disclosed before the Borah committee, that the case against Mr. WHEELER was worked out by one Coan, who, when before the Borah committee, testified as follows:

The CHAIRMAN. Who employed you to go to Montana?

Mr. COAN. Mr. Lockwood—George B. Lockwood—of the Republican National Committee.

Senator SWANSON. Is he a member of the Republican National Committee?

Mr. COAN. Yes, sir.

Senator SWANSON. And he is also interested in the National Republican?

Mr. COAN. Yes, sir; he is secretary of the Republican National Committee.

Senator SWANSON. At that time were they interwoven?

Mr. COAN. I do not know the connection exactly. I did not ask him when he gave me the job whether they were interwoven or not.

The CHAIRMAN. You may take the witness.

Senator SWANSON. Did he tell you the purpose for which he employed you?

Mr. COAN. Yes; I was sent out to Montana to investigate some of these stories about Senator WHEELER. WHEELER had been attacking the administration and everybody in public life here, and nobody seemed to be willing to get up and answer him, and they thought it was up to somebody to find out who this fellow was and what he had been doing.

Senator SWANSON. Who thought so?

Mr. COAN. The Republican National Committee.

Senator SWANSON. And they sent you there for that purpose?

Mr. COAN. Yes; I went out there, and, of course, I did not want any stories of dead men or train robbers, and I took affidavits where I got the stories.

Senator SWANSON. You went out there for that purpose?

Mr. COAN. I went out there to get this material for the story that I was going to write in the paper, and which I am writing now; and I think it will be interesting.

Mr. Coan said, however, he secured the affidavits; sent them to Mr. Lockwood, and Mr. Lockwood turned them over to the Department of Justice. That was the inception of that proceeding, and I apprehend there is no man in this Chamber who has any kind of an idea that Senator WHEELER ever would have been tried in Montana or that there ever would have been any prosecution against him in the District of Columbia had he not at the time been engaged in conducting the investigation against the Department of Justice.

So, Mr. President, I make no apology whatever for expressing whatever doubt I have expressed concerning the opportunity to get a fair trial of this case before a jury in the District of Columbia. That, of course, is entirely separate and apart from the proposition, which I shall canvass presently, of bringing a man 2,500 miles away from his home to put him upon trial in the District of Columbia when he might as well be tried in the jurisdiction in which he resides, and with perfect safety to all of the interests of the Government of the United States.

This, Mr. President, however, is not the first time that the impartiality of juries in the District of Columbia has been challenged by those who have been brought here or have been attempted to be brought here for trial in the District of Columbia, particularly if the case has any political aspect or political significance. I dare say most of the Senators present will recall a somewhat famous case in which a publisher of a newspaper in the State of Indiana, Mr. Delavan Smith, protested, and, protested vigorously, against being brought from the State of Indiana to the District of Columbia to be tried for an offense which, if committed at all, was as well triable in the State of Indiana as in the District of Columbia.

Mr. Smith was the owner and, as my understanding is, the editor of the Indianapolis News. That newspaper printed an article in relation to the acquisition of the Panama Canal Zone and the treaty with the Republic of Panama which it was charged was a criminal libel against the then President of the United States, Theodore Roosevelt. The newspaper was published in the city of Indianapolis, Ind., but some of its copies passed through the mail and came within the District of Columbia, and it was accordingly contended that the venue might be laid either in the State of Indiana or in the District of Columbia. Accordingly an indictment was found here by a grand jury of the District of Columbia, and the defendant, Mr. Smith, was arrested in the State of Indiana. Before he could be removed to the District of Columbia for trial, however, it became necessary to secure an order from the judge of the United States court for Indiana transferring him to the District for trial.

That application was sought and it was resisted upon the ground that the Supreme Court of the District of Columbia had no jurisdiction; that the crime was committed in the State of Indiana and not in the District of Columbia, and the argument was had upon that question. In the course of the argument it was represented to the court, in addition to the legal question involved, that it would be unfair and unjust to take Mr. Smith out of the State of his residence, away from the people who knew him, and bring him to the District of Columbia for trial, even if the jurisdiction were properly invoked.

The counsel for Mr. Smith on that occasion said things more harsh concerning that proceeding than I have ever uttered on this floor or elsewhere. I am able to give the Senate his language. He said in the course of his remarks, discussing the validity of the indictment, the following:

And in addition to the extreme penalties of that statute he has hanging over him the consequences that if it is claimed that he has violated the law of the District of Columbia he may be dragged from his home, thousands of miles away, from his friends, from those who know him, his character and reputation and standing; from the witnesses of the transaction upon whose testimony he may depend for his acquittance, and be carried to the District of Columbia and there be put upon trial. The ordinary hardships that would result from such a construction of the law as this which I have adverted to it seems to me are comparatively insignificant when you consider the situation; what the defendant in such a case would be confronted with in the District of Columbia; when you consider the character of the population of the District of Columbia. It is the city of the General Government of this country. It is largely inhabited by persons who are occupying official positions under the Government of the United States, persons who are dependent upon the Government of the United States. If there is one place in the United States where official power and prestige and authority have weight and influence it is the District of Columbia. The jurors in the District of Columbia in a case that would involve any question of politics, any question of the character of a public man, would almost inevitably be swayed and influenced by the character of the population in the District and the influences that exist there, official and otherwise.

And he continued:

Now, if you consider what would be the result of the indictment and transportation to the District of Columbia of a newspaper publisher from another part of the country for trial in that district, even in an ordinary case where the person whom it was alleged had been libeled was simply some Member of Congress, some Senator, a comparatively insignificant person, with comparatively little influence, you can see at once that, even in such a case as that, the defendant would be placed at a very serious disadvantage. But when you come to apply this question, as it is now raised here, to a case such as this is, where the prosecutor was the late President of the United States, the source of all power, of all profit, I might say, of all office, whose influence, whose power is greater than that of any crowned king in the world; when you consider that these indictments were brought about as a result of an inflammatory message that he sent to the Congress of the United States; when you consider that in all probability the whole influence of the Executive Department of the United States Government, with the President of the United States at the head of it, was behind the bringing of these indictments; and when you consider that at the time these defendants would be tried upon those indictments if they could be removed into the District of Columbia for trial, the President of the United States, whose influence, whose demands had led to the return of the indictments, might well himself have been in office presiding in the District of Columbia as the President of the United States, with his prestige, with his dominating influence reaching to every nook and corner of the District of Columbia; and these defendants would be put upon their trial in the District of Columbia before a jury made up largely perhaps of employees, officeholders under the Government of the United States, deriving their positions and holding their positions either directly or remotely from the President of the United States; when you consider that if the jury was not made up of that kind of members directly, yet that it would be almost impossible to put into the box in the District of Columbia a jury that would not be connected with persons occupying positions of that kind under the Government of the United States. Now—

* * * * * * *

FRUITS OF REVOLUTION LOST

The situation could not be any more correctly described than it is in the language that is quoted from Cooley on Constitutional Limitations that it would be a remarkable situation, if as the result of a revolution, seven long years of bloody war, one of the causes of which was that the king of Great Britain had asserted the right to take from this country persons accused of pretended crimes in Nova Scotia, or New England, that the Government formed, as the result of that revolution, a revolution which was fought against the assertion of such a proposition as that, had as one of the very first things that was done after its organization, made it the law of its own seat of government, the District of Columbia, that they could reach out from that District to the remotest part of the United States and drag from his home a man charged with the offense of libel, an insignificant crime, a crime which has never been looked upon in this country as a serious one, no matter how in England it has been regarded, and take him to the District of Columbia and there put him upon trial under influences and with surroundings such as would put him at a hopeless disadvantage.

But the attorney in that case, Mr. President, did not content himself with that, but he went on to show that, being put upon trial in the District of Columbia, the defendant would be obliged to bring his own witnesses from a distant part of the country and pay all of the expenses of bringing

them there, or, if he was unable to pay the expense of bringing his witnesses there, it would be necessary for him to go into the court in the District of Columbia, plead the poverty act, and set out at length exactly what it was he expected to establish by his witness. So, Senator WHEELER and the other citizens of my State who are to be put upon trial in the District of Columbia, should indictments be returned against them, will be obliged to bear all the expenses of bringing their witnesses from the State of Montana, or go into court and plead that they are unable to pay the expense of bringing the witnesses here.

In the Smith case, Mr. President, the learned Judge Anderson, before whom it was heard and whom we have lately elevated to a position upon the circuit court of appeals, sustained the contention that the Supreme Court of the District of Columbia had no jurisdiction in the case, that the venue must be laid in the State of Indiana, and not in the District of Columbia. Since that time the Supreme Court of the United States has rendered a decision which to my mind holds quite differently from the decision rendered by Judge Anderson in that case. Indeed, Mr. President, I am constrained to believe that the manifest injustice of the proceeding, the hardship it would entail upon the defendant, the evil which such a precedent would set up, was so great that even that learned judge twisted once the law to his authority to prevent a great wrong, and gave a construction of the law that he would not have given to it under other circumstances.

But, Mr. President, the decision which Judge Anderson rendered in that case was applauded by the press of this country from one end of the Nation to the other. He remarked in his opinion, in the conclusion thereof, as follows:

The discussion as to the hardship of taking a man away from his home to a distant place, to be tried, and the discussion pro and con as to the desirability of the District of Columbia and the city of Washington as a place for trial, was interesting.

But those considerations, as suggested in one of the decisions of the Supreme Court, are not controlling, and I am not compelled to resort to anything of that kind to satisfy myself about what ought to be done here.

To my mind that man has read the history of our institutions to little purpose who does not look with grave apprehension upon the possibility of the success of a proceeding such as this. If the history of liberty means anything, if constitutional guaranties are worth anything, this proceeding must fail.

If the prosecuting officers have the authority to select the tribunal, if there be more than one tribunal to select from, if the Government has that power, and can drag citizens from distant States to the Capital of the Nation, there to be tried, then, as Judge Cooley says, this is a strange result of a revolution where one of the grievances complained of was the assertion of the right to send parties abroad for trial.

The defendants will be discharged.

I adverted to the comments of the press upon this matter. The Washington Star, published in the city of Washington, commended it unreservedly, and in that connection stated as follows:

[From the Evening Star, Washington, D. C., October 14, 1909]

THE PANAMA CANAL LIBEL CASES

The refusal of the district court in Indianapolis to extradite for removal to Washington the proprietors of the Indianapolis News, against whom indictments for libel have been found here, is in conformity with equity, common sense, and with what is vaguely termed the spirit of our institutions. The first announcement concerning the Panama Canal publications was that they constituted a libel upon the United States Government and that indictments for that offense would be found in the local court and the indicted men brought here for trial from New York and Indianapolis.

Discussing this suggestion the Star said at the time: "Neither national public sentiment nor the courts will, it is believed, permit a partisan National Government to indict in the District of Columbia even its libelous partisan critics in New Orleans or San Francisco and *to extradite them and bring them for trial to a jurisdiction so peculiarly under the control of the National Government as the 10 miles square.*"

The decision at Indianapolis is merely a refusal to remove the indicted men to Washington for trial. If they came here voluntarily, they could be arrested under the indictments. Without being convicted anywhere they are punished by exclusion from the Nation's city. Ostracism from Athens was the severest penalty that could be inflicted upon the sensitive Athenian. Exile from the American National Capital is "cruel and unusual punishment" for the true American.

Mr. President, I suppose that the Washington Post to-morrow morning will publish an editorial accusing the Washington Star, its contemporary, of mendacity in its suggestion that the defendant under these circumstances is at a disadvantage in the District of Columbia.

I want to ask the attention of the Senators to a few of the press comments upon this decision of Judge Anderson.

From the vast number before me, I weary the patience of the Senate with references only to three brief extracts.

From the New Orleans Picayune:

A DELIVERANCE IN CAUSE OF JUSTICE

This was a great deliverance in behalf of justice and the liberties of the citizens of this great Republic. It is frightful to think what might be the consequences if citizens who may have incurred the anger of high public officials at the seat of government could at any time, on the demand of such officials, be seized and dragged from their homes and the States in which they lived to the seat of government, to be tried by a jury of the persons who were dependent upon those officials for a livelihood, and who, from the very circumstances of their condition, were bound to keep in favor with their all-powerful superiors.

From the Wilmington (Del.) Every Evening:

WHEN THE NEWS REACHES AFRICA

When the news reaches Africa that Federal Judge Anderson, in Indianapolis, refused to allow the Panama Canal libel suit against two newspaper editors of that city which was instigated by President Roosevelt to be transferred to Washington for trial there will be a "gnashing of teeth." It was one of the purposes of the instigators of this action to have the defendants taken to Washington for trial, in order to be subjected to all the local influences that could be employed in securing their conviction.

From the Bridgeport Farmer:

PUT A QUIETUS ON ROOSEVELT PLAN

United States District Judge Anderson, by his decision in the Delavan Smith case at Indianapolis, put a quietus upon the Rooseveltian plan of bringing the editors of papers accused of libel to trial wherever copies may be circulated. If it could be done in this case, it would also apply to other alleged offenses under the Federal law, and the result would be the trial of all such cases at Washington, where the influence of the Federal Government is all-pervading.

It is a most righteous decision. Libel trials should be held in the city or district where the alleged offense originated and not in some far-away district. A superabundance of power is now centralized at Washington; there should be less rather than more. It is becoming a significant, if not an ominous, sign of the times.

Mr. President, I desire, if I may, to insert in the RECORD some additional editorial remarks upon this case of like purport.

The PRESIDING OFFICER. Without objection, it is so ordered.

[The matter referred to appears as an appendix to the speech of Mr. WALSH of Montana.]

Mr. WALSH of Montana. I ask that there be inserted in the RECORD another editorial of the same date from the New York Herald-Tribune.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Herald-Tribune of January 29, 1925]

WHEN DID A SENATOR BECOME SACRED?

The appalling impudence of the challenge of the Stone appointment by Messrs. WALSH and WHEELER was central over yesterday's senatorial hearing. The Attorney General lived up to his high reputation. He confirmed every conviction of his rare qualifications for the Supreme Court bench. He displayed clearness, calmness, courage, and, incidentally, a calm contempt for the petty politics being played against him.

Nothing could be fairer than the treatment accorded Senator WHEELER. The attorney in charge is a new appointee of Mr. Stone's, Mr. Donovan, of this State, a man of proved courage and unquestioned integrity. The new charges grow out of different facts from those upon which the original indictment was based. They concern others than Senator WHEELER and are centered in Washington, where an investigation should properly be held.

Instead of welcoming this fair precedence, protected by every safeguard of the law, Senator WHEELER seems to hold that he can do no wrong and is, in effect, above the law. He and his counsel, Senator WALSH, appear to believe that the prosecutor must try his case before them and their fellow Senators. That was exactly what a Senate committee did before, as it happens.

It is good to know that the Nation has an Attorney General with a proper sense of such cheap, browbeating tactics. There is scant sentiment to support the ingenious theory that a Senator of the United States is sacred.

Mr. WALSH of Montana. This editorial goes the Washington Post just a little bit stronger. It speaks of the "appalling impudence" of the challenge of the Stone appointment by Messrs. WALSH and WHEELER. The particular variety of impudence of which I was guilty arose, it seems, out of the fact that I subjected Attorney General Stone, as reported in the press, to a "grueling cross-examination" before the Committee on the Judiciary. Whether I was in any degree disrespectful to the Attorney General, whether I did anything more than my duty as a member of the committee than I ought to have done, I must leave for others to say; but the complaint is not particularly of the manner in which I conducted the cross-examination, but that I examined Mr. Stone at all.

I ought to say, however, before I leave the Washington Post article, that in substance it extols the Attorney General for the "marvelous courage" he displayed in telling the Committee on the Judiciary that the WHEELER proceedings before the grand jury in the District of Columbia would go on.

A François Villon! A new man found of "marvelous courage"! Why, Mr. President, I have the very highest esteem for the Attorney General. The very excellent opinion I formed of him by reason of my connection with him, brief as it was, before this time, was confirmed by his demeanor before the Committee on the Judiciary; but in what respect did he display this "marvelous courage"?

On the 16th of January I received a communication from the Attorney General advising me that it was contemplated to submit to the grand jury in the District of Columbia the case against Senator WHEELER. That was the first intimation I had that the matter was coming on at all. At that time the Attorney General's nomination for Associate Justice of the Supreme Court was pending before the Judiciary Committee, and pending before a subcommittee of which I was a member. I was at that time engaged in looking into the so-called Ownbey case; and I may say in this connection that such investigation as I gave to the matter, and I think I understand the facts fully, led me to the conclusion which I stated before the Judiciary Committee, that there was in that case nothing which, to my mind, ought to militate against his confirmation. But it was while I was engaged in that investigation that the letter from the Attorney General came to me; and the next day, or the day after, the newspapers came to my desk from the State of Montana carrying the information that witnesses from the State of Montana had already been subpœnaed to appear before the grand jury in the District of Columbia, and a list of the witnesses was given.

I trust my colleagues will do me the credit to believe that I never entertained any kind of an idea that the Attorney General, having gone into this matter thus far, having gone so far as to subpœna witnesses from all over the State of Montana so publicly that the matter got into the newspapers, and having advised me that he was going to do so, could possibly be dissuaded from that course. His plan had been mapped out. It was impossible for him to recede.

Something has been said about an effort by the Senate of the United States or some Senators to coerce the Attorney General into dismissing the proceedings against Senator WHEELER. I do my colleagues the credit to believe that none of them ever entertained any such idea at all; but they did believe that the circumstances warranted an inquiry as to whether Mr. Stone's nomination ought to be confirmed by this body.

That is as far as the Senate ever went in the matter, or as far as any Member of the Senate, I undertake to say, entertained any idea concerning it.

I recur to the Herald-Tribune article accusing me of "impudence" in prosecuting the inquiry.

The Attorney General came before us and made his statement—a very plain, straightforward statement—but, as I believe, not stating all the material facts. What was I to do? Being in possession of the information, was I to remain dumb? I may say that the impression is also carried from the newspaper reports to which I have adverted that in some way or other I was instrumental in bringing the Attorney General before the committee and subjecting him to the humiliation of being examined.

I do not remember that any salt or crocodile tears were shed when day after day for a week or more people came before the Judiciary Committee in open session and testified against the confirmation of the nomination of Louis D. Brandeis for a place upon the Supreme Court. I do not remember that there was any great grief exhibited over the humiliation either of Mr. Brandeis or of the Supreme Court in connection with the matter.

The fact about the matter is, as has been heretofore disclosed, that the matter having been recommitted to the Judiciary Committee, some member of the committee—it was not disclosed who—went to Mr. Stone and informed him that he would be invited to appear before the committee. Mr. Stone accordingly prepared a typewritten statement on Tuesday, and came before the committee on Wednesday morning all prepared to submit his statement, when a resolution or motion was adopted by the committee inviting him to appear there, the motion having been adopted without any knowledge whatever of any part of the proceeding upon my part, I not even being present. It was moved by his friends, I undertake to say, and Attorney General Stone came before the committee, either on their solicitation or upon his own motion, and read the statement, which, as I have said, was entirely accurate so far as it went, but did not state all the facts, and left, as I thought, a very mistaken impression.

For instance, among other things the Attorney General told us that the delay in bringing the case against Senator WHEELER pending before the courts in the State of Montana was not in any wise attributable to the Department of Justice or any of its officials, and the letter which was read left the impression, which certainly would have been gained by the public had no explanation been made, that whatever delays have occurred in the trial of the case in Montana are attributable to Senator WHEELER himself. Thus he said in the letter, as follows:

I have inquired as to whether or not there had been any effort on the part of the district attorney to delay the bringing of this case to trial in Montana. I find the contrary to be the fact. The indictment was found on the 8th day of April, 1924. The date of arraignment of your client was set for the 1st day of September. On that day no plea was entered, but instead the demurrer was interposed, and the motion for the transfer of the case to Butte was made. Since that time I am informed no action has been taken by counsel for Senator WHEELER to press the case for trial.

Clearly the implication of that is that Senator WHEELER has been endeavoring to avoid and evade a trial in the State of Montana. Was I, as a member of the committee, or as counsel for Senator WHEELER, to remain silent and not bring out facts in relation to the matter? Let me advise the Senate what are the facts about the matter.

In the preceding month of May Senator WHEELER, within 30 days after the indictment was returned against him, sent a letter to the Attorney General demanding at once a trial of the action in the State of Montana. There was in the files a letter of date April 18, 1924, the indictment having been found on the 8th of April. There was found in the files a copy of a letter addressed by Senator WHEELER to the Attorney General, but the Attorney General was unable to find that letter in his files, but he did find a letter of Senator WHEELER of date May 17, 1924, requesting that the cause be transferred from Great Falls to Butte for trial, where a jury was then in session, and where the case could immediately have been tried. I read that letter to you:

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE COMMERCE,
Washington, D. C., May 17, 1924.

Hon. HARLAN F. STONE,
Attorney General of the United States, Washington, D. C.

DEAR SIR: From newspaper reports I learn that you feel that the case of the United States of America versus myself should be submitted to a trial court. In view of that statement, I take the liberty of requesting that I be given an early trial.

There is a trial jury in attendance, I am informed, at Butte at the present time. I feel that this is the place where the case should be tried, it being my home city. In Montana defendants who are out on bond have generally been accorded the right of being tried at the place nearest their home city where the Federal court is held.

I hope that you can see your way clear to accord me the same courtesy that is extended to other defendants in criminal cases, and that I may have a speedy trial in order that I may be relieved of this very embarrassing situation.

Respectfully,
B. K. WHEELER.

To this the Attorney General replied as follows:

MAY 20, 1924.

Hon. BURTON K. WHEELER,
United States Senate.

DEAR SIR: I beg to acknowledge receipt of your letter of the 17th in which you request an early trial of the indictment now pending against you and in which you suggest the possible transfer of the trial from

Great Falls, where the indictment was found, to Butte, Mont., your home city.

I am forwarding copy of this letter to Mr. Slattery, United States attorney in Montana, to whom in the first instance this request should be made. He will, I am sure, proceed with the matter as speedily as is compatible with the public interest.

Very truly yours,

HARLAN F. STONE,
Attorney General.

I should say in this connection that the jury that was in attendance at Great Falls at the time the indictment was found was speedily thereafter discharged, so that it was impossible to bring the case to trial at that place.

The Attorney General communicated accordingly with the United States attorney for the district of Montana to see whether the case could be transferred to Butte and tried at once. I read the answer of the district attorney to his letter, as follows:

The honorable the ATTORNEY GENERAL,
Washington, D. C.

SIR: I have yours of the 20th instant, inclosing copy of a letter written to you under date of the 17th instant by Senator B. K. WHEELER, in which he requests you that he be given an early trial of the criminal action pending against him in this district in which he is charged with a violation of section 113 of the Penal Code.

In his letter Senator WHEELER states that he is informed that a trial jury is in attendance at Butte at the present time, and that he feels that Butte is the place where the case should be tried, because it is his home city.

He further states that, "In Montana defendants who are out on bond have generally been accorded the right of being tried at the place nearest their home city where the Federal court is held." In making this statement just quoted Senator WHEELER is clearly in error. I have held this office for the past three years, and never before have I heard of such a claim on behalf of any defendant. I have consulted a former United States attorney of Montana, and he advised me that he, likewise, had never heard of such a claim.

There are five divisions in the district of Montana, namely, Billings division, Great Falls division, Helena division, Butte division, and Missoula division. The place of the alleged offense determines in what division the action is filed and shall be tried. If Senator WHEELER'S contention be correct, then a defendant who is able to furnish bail has a decided advantage over one who is unable to furnish bail, because in the former case a defendant could always insure the trial of his case at or near his "home city," while the defendant in the latter case would necessarily be tried away from his "home city," if the same were not situate within the division where the cause was pending.

DELAY IN MONTANA URGED

I am advised by my office at Butte that the Federal jury in attendance there will, undoubtedly, be discharged to-day, and that the next term of court is expected to be held at Billings beginning about the 12th of June. I am informed that Judge Pray does not expect to hold a trial term in the Great Falls division until the month of September.

There are certain phases of the case against Senator WHEELER that are under investigation, and it would not be consistent with the best interests of the Government to proceed to trial until the investigation is completed, provided, of course, it is completed within a reasonable time. I expect that within about 30 days the investigation will be concluded.

In any event, the matter of arranging the trial calendar is one which rests with the court.

Since Senator WHEELER has held office as United States district attorney, it occurs to me that he ought to know that the Attorney General of the United States does not control the matter of setting cases for trial out of their regular and normal order. I mention this because I observe that he has seen fit to publish his letter to you of the 17th inst. and, likewise, your letter to him of the 20th inst.

Naturally, Senator WHEELER feels that it would be to his advantage to press the trial of his case at once, so that it would follow closely upon the heels of the whitewashing given by his colleagues in the Senate, but, in this instance, he is dealing with a tribunal which is provided for by the Constitution and by the laws of our country, and they are just as binding on him as on any other defendant.

Respectfully yours,

JOHN L. SLATTERY,
United States Attorney.

Those are the reasons why Senator Wheeler could not get a trial in the month of May last at Butte. Mr. Slattery stated that there are five divisions of the district court in the State of Montana and that the case must be tried in the division in which the indictment is found.

In the first place, Senators, there are no five divisions, nor any divisions, in the district court of the State of Montana. The court is held in five different places, and the statute expressly provides that causes, civil or criminal, may be transferred from Butte to Great Falls, or from Great Falls to Butte.

Second, he is told that an investigation of Senator WHEELER is in progress, and that it will not be advisable to try the case against Senator WHEELER until that investigation is completed. What does that mean? That means that there was an investigation of Senator WHEELER, of course, before the indictment was found, but they were quite well satisfied that they could not get a conviction against Senator WHEELER upon the testimony which they then had, and they were prosecuting another investigation to see whether they could not get enough to land him, and they did not want to try him until that investigation was completed.

Third, they did not want to try him then, because such a trial would follow rapidly upon the heels of his whitewashing by the Senate of the United States, and he would get some advantage from that fact.

Finally, the home-city proposition is answered, as Senators have heard.

The significant part of this matter is that the Attorney General, having received this answer from the district attorney out in Montana, never communicated to Senator WHEELER upon the subject thereafter.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. If the Senator will pardon me a moment, I will yield to him.

So that Senator WHEELER never got an answer from the Attorney General as to whether he could or could not be tried at Butte. I now yield to the Senator from California.

Mr. SHORTRIDGE. The Senator having read the letter of United States Attorney Slatterly to the Attorney General, would he have the goodness to read into the RECORD the reply of the Attorney General, at this point?

Mr. WALSH of Montana. The reply to whom?

Mr. SHORTRIDGE. The letter addressed to Mr. Slattery, as of date of June 6, 1924.

Mr. WALSH of Montana. I shall be very glad to do so; but that does not change the statement I made, that Senator WHEELER was never advised about the matter.

Mr. SHORTRIDGE. I am not saying that it does; but for the benefit of the RECORD.

Mr. WALSH of Montana. I understand. The letter is as follows:

JUNE 6, 1924.

JOHN L. SLATTERY, Esq.,
United States Attorney, Helena, Mont.

DEAR MR. SLATTERY: I beg to acknowledge receipt of your letter of the 28th. I see no reason for dealing with the Wheeler case in any different manner from that of any other case, except, of course, in view of the defendant's request we should proceed to trial with such reasonable dispatch as is not incompatible with the interests of the Government.

You will understand, of course, that in view of the widespread interests in this case, I am especially anxious that the representatives of the Department of Justice should be punctilious in insuring to the defendant a fair trial and that the action of the Government and its representatives should be, in all respects, beyond any reasonable criticism.

Yours sincerely,

HARLAN F. STONE,
Attorney General.

Now, Mr. President, it just so happens that on the very day when this cause was set down for trial or to be heard before the court at Great Falls, the 2d day of September, Senator WHEELER had an engagement to open his campaign for the vice presidency of the United States in the city of Boston, Mass. Of course, the papers immediately said that Senator WHEELER would not be able to go to trial at that time, and the district attorney immediately answered that of course if Senator WHEELER requested a continuance of the case he would be pleased to grant it.

I might say in this connection for the information of the Senate that Judge Pray, before whom the indictment was found, requested Judge Bourquin to act in the premises, and he, for one reason or another—I think perhaps because of his long association with Senator WHEELER—disqualified himself and declined to act. Judge Pray, for reasons satisfactory to

himself, declined to act, and it was necessary to call Judge Dietrich from the district of Idaho. Judge Dietrich was to be there on December 2, when he was to determine the demurrer and the motion to change the place of trial to Butte, and if they were overruled the statement stood that we were to go to trial before a petit jury on the 15th day of February. We were preparing to go to trial on the 15th of February and wrote out to inquire about the calling of a jury. Feeling some little anxiety about the matter I asked the Attorney General if he would not inquire and find out whether a jury was to be there, and the information came back that the jury would not be called at Great Falls until the 15th of March instead of the 15th of February, leaving just 30 days within which the grand jury in the District of Columbia could get action. Was I to leave these things undeveloped?

Moreover, Mr. President, the Attorney General told us in his letter which he read that the proceedings in the District of Columbia were for an entirely different crime from the one charged against Senator WHEELER in the indictment pending in the court in Montana. I shall refer to that presently. But upon inquiry of the Attorney General with respect to that matter which I conducted, it was disclosed that although the proceedings in the District of Columbia are founded upon another provision of the statute and charge another crime, the two grow out of identically the same transaction.

This is the situation as disclosed by the testimony, or as is necessarily inferable from what was disclosed. Senator WHEELER was charged in the indictment in Montana with having taken compensation from Gordon Campbell for appearing on his behalf before the Department of the Interior in support of applications that Campbell had pending for leases or permits to operate oil lands, or some service in connection with those permits. The charge being prosecuted in the District of Columbia is that Senator WHEELER, together with Gordon Campbell and others, entered into a conspiracy to get those permits fraudulently from the Government of the United States through the corruption of officers in the District of Columbia. That is to say, the first charged no moral turpitude upon the part of Senator WHEELER at all, just merely that he agreed to go in and do this in violation of the statute, and now it is charged that not only that occurred, but that he knew that Campbell was not entitled to those permits, and that they were going to get them by illegal proceedings and by the corruption of officials, and, of course, all those who were concerned in the conspiracy in any wise become also the subjects of investigation as well as Senator WHEELER, although he is the sole defendant in the other proceedings.

That puts the case in this shape, as admitted by the Attorney General under the examination to which he was subjected, that the indictment might be brought properly in the State of Montana as well as in the District of Columbia; in other words, that he had an election to bring it in Montana or to bring it in the District of Columbia, as he saw fit, but for reasons satisfactory to himself he chose to bring it in the District of Columbia. One of those reasons was that it would be necessary to use in evidence documents on file in the Department of the Interior and other departments in the city of Washington. But he was asked whether certified copies of those documents could not be admitted in evidence just as well, and whether upon the trial of the case in the District of Columbia it would not be necessary to submit certified copies as well as in the State of Montana, and he was obliged to say that that was the case, except he said it might be necessary to examine the originals. Of course, it might be necessary to do anything, but nothing that had occurred suggested to him that it would be necessary to examine any of the originals.

I instance these matters for the purpose of making out the defense which I ought to make to the impudence of which I was guilty in interrogating the Attorney General in connection with the statement that he made.

The third editorial I desire to submit is from the New York Times of the same date. I ask leave to have it inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, the request is granted.

The editorial is as follows:

[From New York Times, Thursday, January 29, 1925]

MR. STONE'S PLAIN TALE

The outcry against Attorney General Stone's plan to secure a new indictment of Senator WHEELER and others by a Federal grand jury in the District of Columbia was based mainly on what was asserted to be *an arbitrary change of jurisdiction*. The Senator was already under indictment in Montana. Why deprive him of the benefit of a jury of the vicinage? Mr. Stone *completely disposed of this charge*, which had set some people frothing at the mouth in his statement to the Senate committee yesterday. The case in Montana and the case in Washington are *entirely different*. Mr. WHEELER was indicted in his own State for the illegal taking of a fee as a Senator. He is to be indicted, if at all, in Washington, for having been in a conspiracy to "defraud the United States of its public lands and of the oil and minerals underlying these lands." The crime, if committed, was committed within the District of Columbia, and is properly to be tried there.

So much for that. One plain tale put down a thousand fictions. For Mr. Stone the other reason for charging an "outrage" in his proceeding simply did not exist. That reason was that he had lifted up an audacious hand against the sacred person of a Senator, but all that the Attorney General could see was the law and his sworn duty under it. Whether the man whose prosecution he thought necessary was a Senator or a colored janitor made no difference to him. He quietly informed the Senate committee that the inquiry into the activities of Senator WHEELER "will proceed before the grand jury in the District of Columbia on February 2."

The insinuation that the Attorney General had been actuated by political motives is manifestly absurd. A politician in his shoes would have pigeonholed the entire affair or left it to his successor. Probably Mr. Stone never stopped to ask whether his course would prejudice his confirmation as a judge of the Supreme Court. If anybody had told him that it would, his spurning of the suggestion would have been instant. He has borne himself like a man who thought only of his official duty under the law of the land. All the better judge for that, but the poorer intriguer for place!

Mr. Stone's calm and clear explanations *leave Senator Walsh in a very embarrassing situation.* He is counsel for Senator WHEELER. But he is also the great defender of the oil lands owned by the Government against all depredators. It would be cruel to place him in the position of preventing as a lawyer the fullest inquiry into an oil scandal of the sort which he as Senator had proclaimed to be the crime of the age.

Mr. WALSH of Montana. It fits in with what I was saying. It is headed "Mr. Stone's plain tale." Mr. Stone, the editorial said, came before the committee and told the committee that the proceedings in the District of Columbia were for an entirely different crime. That ended the whole proposition. The whole question, the whole case against Mr. Stone, absolutely fell under the plain statement that it was a different crime. There is no reference in the editorial to the fact, as I have stated, that the transaction is one and the same. I want to call particular attention to the concluding paragraph of the editorial, as follows:

Mr. Stone's calm and clear explanations leave Senator WALSH in a very embarrassing situation. He is counsel for Senator WHEELER. But he is also the great defender of the oil lands owned by the Government against all depredators. It would be cruel to place him in the position of preventing as a lawyer the fullest inquiry into an oil scandal of the sort which he as Senator had proclaimed to be the crime of the age.

Well, Mr. President, the New York Times in its editorial column has never had any sympathy whatever with the inquiry into the leases of the naval oil reserves. It has in that respect been at war constantly as between its editorial page and its news columns, so notably so as to have excited expressions of chagrin, reproach, and regret from members of its own force. But Senator WALSH, notwithstanding the statement of the Times, suffers no embarrassment whatever. Indeed, I feel that I am engaged in this matter in exactly the same work that I was engaged in a year ago. Moreover, Mr. President, I can entertain no doubt that the distrust and suspicion engendered in the public mind concerning the condition of affairs in the official life of Washington that was aroused by the revelations made by the Public Lands Committee in connection with the investigation of the naval oil reserve was responsible for the action of the Senate upon the resolution of my colleague urging an inquiry into the Department of Justice. While he was prosecuting that inquiry and bringing to light the iniquities, the rascalities, that characterized that department—and, I am sure, for the purpose of arresting those proceedings and bringing to bear upon them an adverse public opinion—he was indicted in the District Court of Montana—indicted there and not yet brought to trial there when another indictment against him in the District of Columbia is sought.

Mr. President, my colleague has been well investigated. He must have been investigated before the indictment was found against him in Montana. I have just read a letter showing that thereupon the district attorney in Montana undertook another investigation of him. In the meanwhile he was investigated by a committee of the Senate, the third investigation.

The Attorney General told us that when he went into office he conducted a fourth investigation of Senator WHEELER, and that a report upon that investigation was submitted to him

the 1st of August last. Apparently there was not yet enough evidence gathered together to warrant them in going to trial against Senator WHEELER, and the matter was turned over to his assistant, Mr. Donovan, who conducted a fifth investigation of Senator WHEELER.

It is said that if Senator WHEELER is innocent he has nothing to fear from a jury in the District of Columbia. Well, has he or has he not anything to fear? We all understand the situation. Senator WHEELER agreed to do certain work for Mr. Campbell for which he was to have a fee of $10,000. According to his story, and I have no doubt in the world that it is true, that service was to be rendered exclusively before the courts in the State of Montana before which Mr. Campbell had pending, a large amount of litigation. Senator WHEELER actually entered upon that work, and did the work there, and he asserts that it had nothing whatever to do with anything pending in the District of Columbia or to arise there. Presumably there is something to be said upon the other side of it. Some facts, some circumstances may be adduced in evidence tending to indicate that perhaps it did include work in the District of Columbia, and the question will be as between Senator WHEELER, who devised the matter on the one side, and such facts and circumstances as may be adduced in support of the other theory, and the question is to be determined by a jury as to which theory is to be believed, and that is what we complain about.

We complain that a jury empaneled in the District of Columbia under the circumstances presumably would not be so impartial and fair in the matter as it ought to be. But some facts and circumstances brought to my attention, Mr. President, particularly as five times they have tried to get evidence against Senator WHEELER, lead me to be cautious for perjured testimony in this case. Accordingly a question of veracity may arise as between Senator WHEELER on the one side and a witness or witnesses upon the other side. I want to have that case tried before a jury free from the influences to which I have adverted that obtain here in the District of Columbia.

Mr. President, the Attorney General enjoys a deserved reputation for justice, for probity, and for high character; I would not have anyone understand that I question that in any particular; but it will be observed that the Attorney General does not go out into the State of Montana or into the State of California, or any other places in order to gather the evidence which is laid before him. That is all done by his subordinates.

Mr. President, the investigations bringing forward the testimony which comes before the Attorney General are all conducted by the Bureau of Investigation. The head of the Bureau of Investigation is a man who held that place all through the Burns régime and during the entire term of the Daugherty administration of that office.

More than that, Mr. President, there still remains in the Department of Justice a whole group of appointees brought there by Mr. Daugherty, his friends and political backers. There is Rush L. Holland, who came from the State of Colorado, but who, as I am informed, was a boyhood friend of Daugherty in the State of Ohio. There is a man by the name of Martin there who occupies a position next to the Attorney General. One goes through his office in order to get into the office of the Attorney General. There is a man there by the name of Johnson, brought there by Daugherty. There is another man by the name of Strong, another by the name of Galloway, both of them holding over.

More than that, Mr. President, the newspapers within the last day or two announced that the prosecution before the grand jury in the District of Columbia is to be under the direction of Mr. John T. Pratt, who is special prosecutor in the case. Mr. Pratt is an appointee of Daugherty from Ohio. He is the same Mr. Pratt who came to Montana and presented the case to the grand jury there, and, according to affidavits in the possession of the Attorney General, the grand jury took seven or eight ballots, which was an unprecedented thing to do, before they secured an indictment.

So, Mr. President, whatever may be the disposition of the Attorney General, he has breathed the mephitic atmosphere of the Department of Justice for the last year, permeated, as it is to this very day, with the influence of Daugherty, whose malevolence toward Senator WHEELER was, I think, the occasion for the bringing of this indictment.

Mr. President, I have found ample justification in the facts which I have recited for the small part I had in inducing the Senate to pause before it gave its consent to the confirmation of Harlan F. Stone as Associate Justice of the Supreme Court of the United States. Mr. Stone is to-day engaged in pursuing proceedings in the District of Columbia that have been denounced and roundly denounced by the press of the entire country.

Mr. President, I have spoken especially about Senator WHEELER because not only am I his colleague and his friend of many years but I am his counsel. I am not permitted to speak in that capacity for the other citizens of my State who are to be brought here to the District of Columbia, far from their homes, compelled to go into court and, in order to get witnesses, to plead the poverty act or to pay the expenses of witnesses from distant parts of the country here in order to set up a proper defense, but I speak in their behalf as constituents.

I do not know Mr. Campbell; I never met him; I have no acquaintance with any of his associates. They are, however, constituents of mine, and it is my duty, from which I shall not be deterred by any such effort as is disclosed in the newspaper articles to which I have adverted, to insist and protest that their rights are being invaded and that the proceedings against them ought to go on before the District Court of Montana rather than the Supreme Court of the District of Columbia.

Mr. President, I never have had any part in the movement to shear the great court of which Mr. Stone has been named a member of the power which it has long been believed was reposed in it by the Constitution, nor to hamper it in any degree in the exercise thereof. Some distinguished gentlemen in the last campaign felt called upon to resist that effort by speeches upon the stump, but I am sure that the more efficacious way to restore to the court any prestige it may have lost or to overcome any ill favor into which it may have fallen is never to put a man upon that bench whose career at the bar or upon the bench is not of itself an assurance of a consuming love of justice and a thorough comprehension of the essentials of justice.

Mr. HEFLIN obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Alabama yield to me for a moment in order that I may ask the Senator from Montana a question? I was called out of the Chamber before he concluded, and I wish to make a brief inquiry of him. I will appreciate the Senator's courtesy if he will yield.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. HEFLIN. If the question will not lead to any discussion, I will be glad to yield.

Mr. WALSH of Massachusetts. I should like to ask the Senator from Montana if prior to the reception of the letter from Attorney General Stone on January 16 he or Senator WHEELER had any discussion or conversation, any communication, or any negotiation of any kind or description with reference to the Wheeler case?

Mr. WALSH of Montana. None, so far as I know, after the letters referred, namely, the letter of Senator WHEELER of May 17, 1924, and the letter of the Attorney General replying to it of May 20, 1924.

APPENDIX

[Editorial from the New York World, October 14, 1909]

LAW VERSUS LAWLESSNESS—LIBERTY VERSUS LESE MAJESTY

Judge Anderson's decision against the United States Government in the Panama libel case at Indianapolis is, in effect, a declaration that President Roosevelt instituted an unconstitutional proceeding which involved a distinct menace to the liberties of the American people.

To quote the language of the court:

"To my mind that man has read the history of our institutions to very little purpose who does not look with very grave apprehension upon the possible success of a proceeding such as this—if the history of liberty means anything, if the constitutional guaranties mean anything—if the prosecuting authorities should have the power to select a tribunal, if there be more than one tribunal to select from at the Capital of the United States; that the Government should have that power and drag citizens of distant States there to be tried.

"The defendants will be discharged."

To appreciate the extent to which Mr. Roosevelt prostituted the power of the presidency to the gratification of personal and political malice it is necessary only to compare his own record in the case with this decision of the United States court.

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Even while the sedition law was on the statute books, and the Adams administration was enforcing it against its political enemies, the Government never pretended that it had a right to drag citizens from the various parts of the country to Washington to try them in the National Capital, where the course of justice could be influenced by the President.

Judge Anderson's decision overthrows a revolutionary doctrine which, were it sustained by the courts, would inevitably destroy the freedom of the press in this country. How long would newspapers

dare criticize abuses of government or oppose the will of the Executive if the President could arbitrarily take editors and proprietors to Washington and there prosecute them criminally under what Elihu Root eloquently described as "the same arbitrary and odious law against which Erskine fought in the days of George III"?

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The court has answered Mr. Roosevelt.

[From the New York Evening Mail (Republican)]

THROWN OUT OF COURT

Federal Judge Anderson, sitting in Indianapolis, has some side opinions as to the celebrated Panama libel cases which we do not share, but he is right in summarily dismissing the Government proceedings to hale the proprietors of the Indianapolis News to the District of Columbia in order to try them there for the alleged libel.

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He says: "If the history of liberty means anything, if the Constitution means anything, then the prosecuting authority should not have the power to select the tribunal, if there be more than one to select from at the capital of the Nation, nor should the Government have the power to drag citizens from distant States there for trial."

[From the New York Evening Post (Independent)]

A SEVERE BLOW TO FEDERAL LAW AUTHORITIES

With the dismissal yesterday of the proceedings against the proprietors of the Indianapolis News, another of Mr. Roosevelt's pet crusades comes to an abrupt halt. His indignation with the News and the World, it will be remembered, knew no bounds, and finally found vent in a message to Congress excoriating these newspapers for having grossly libeled his brother-in-law, Douglas Robinson, William Nelson Cromwell, and others in connection with the acquisition of the Panama Canal. He then directed the Attorney General to begin proceedings against the newspapers, and the first step was to endeavor to have their proprietors taken to the District of Columbia for trial there. This attempt has now failed completely, Judge Anderson dismissing the procedure and saying: "That man has read the history of our institutions to little purpose who does not view with apprehension the success of such a proceeding as this, to the end that citizens could be dragged from their homes to the District of Columbia, the seat of government, for trial, under the circumstances of this case." It can not be denied that this is a severe blow to the Federal law authorities. Even if they acted originally in obedience to the orders of the President, they should have perceived where this policy must lead them and how entirely contrary to the spirit of our institutions it is.

[From the New York Globe (Republican)]

AN APPEAL TO HISTORY

A knowledge of American history—elementary history, at that—seems to be all that the United States district court thinks necessary to determine the validity of the proceedings against the proprietors of the Indianapolis News for criminal libel in the Panama Canal case. "That man has read our history to little purpose," says the judge in concluding his decisions, "who does not view with apprehension the success of such a proceeding as this, to the end that citizens could be dragged from their homes to the District of Columbia, the seat of Government, for trial under the circumstances of this case."

The question is one of first principles, principles upon which this Government was established, principles among those most highly valued and most carefully protected in that system of constitutional liberty that we inherited from England. The judge does not befog it by attempting to make it anything else. He sees it as we believe practically all American citizens see it, and he is shocked by the proceedings in the same way that they have been shocked.

[Editorial from the New York World, Friday, October 15, 1909]

A UNANIMOUS PRESS

Not only is there practically a unanimous sentiment among newspapers in regard to Judge Anderson's decision in the Panama libel case, but Republican opinion is no less outspoken than Democratic opinion in upholding the decision of the court.

The stanchly Republican New York Tribune says: "The decision will be generally recognized as conforming to sound law and public policy." Having long maintained that all attempts to deport persons charged with libel to jurisdictions other than that in which the offense is alleged to have been committed "are inconsistent with American traditions of free speech," the Tribune is "gratified to find that argument again emphatically approved by a Federal court."

After quoting from Judge Anderson's decision, the Republican New York Evening Mail remarks: "Thus ends the attempt which President Roosevelt most unwisely and fatuously countenanced to convert an ordinary libel case into a proceeding under the extinct sedition law of John Adams's time." The Republican New York Globe says: "The question is one of first principles, principles upon which this Government was established, principles among those most highly valued and carefully protected in that system of constitutional liberty that we inherited from England. The judge does not befog it by attempting to make it anything else. He sees it as we believe practically all American citizens see it, and he is shocked by the proceedings in the same way that they have been shocked."

The Independent-Republican Evening Sun hopes that this is the "beginning of the end." The Republican Boston Advertiser believes that "Judge Anderson is wholly right in maintaining that it would be unwise to establish a precedent that a man can be arrested in the place where his offense has been committed, or where it is alleged that the offense was committed, and then taken to Washington to stand trial." The Republican Philadelphia Bulletin calls the attempt of the Roosevelt administration "a clearly illegal effort to usurp power which did not belong to the National Government," and adds: "This decision is so manifestly just that it is not likely to be questioned by any reasonable mind. It tends to strengthen still further the bulwarks which the law throws around the rights and the liberty of American citizens."

The thick-and-thin Republican Philadelphia Inquirer says it will be generally recognized that the decision "is not only just, sensible, and fair, but that it is the only view of which an intelligent application of the constitutional provision already cited to the facts exhibited allowed." Discussing Judge Anderson's remarks as to the danger to American liberty involved in such a proceeding as Mr. Roosevelt instituted, the Inquirer makes this impressive comment: "To those sentiments every man with intelligence enough to appreciate the gravity of the issue will say amen."

The Republican Philadelphia Press calls the decision "a sound and sensible disposition of an extraordinary libel suit."

Independent papers like the New York Evening Post, the New York Times, and the Washington Post, all of which supported Mr. Taft for President, discussed the decision in the same spirit as the Republican papers. The Evening Post calls it "a severe blow to the Federal law authorities," and reminds them that "even if they acted originally in obedience to the orders of the President they should have perceived where this policy must lead them and how entirely contrary to the spirit of our institutions it is." The Times declares that while the Roosevelt undertaking "would be plausible and consistent in a despotic land," "that our laws intend or will permit such procedures is a theory that will be maintained only by persons of an absolutist temper." The Washington Post holds that Judge Anderson's decision "will be accepted as a clear statement of the rights of the press in the matter"; but, as the Indianapolis News pertinently says in commenting on its own case, this decision is "a call to the performance of a high and solemn duty," to a duty in a performance of which newspapers will be protected," but protected only on the theory that they will do their duty," and do it without fear or favor or malice.

The world could quote indefinitely from editorial opinions of its contemporaries in praise of Judge Anderson's decision, but enough has already been presented to show the general sentiment of the American press.

Every thoughtful student of public affairs must regard this unanimity of sentiment as a most encouraging sign. It shows that when a great question presents itself which involves a clear, distinct principle of constitutional liberty American newspapers are capable of disregarding all matters of partisan sympathy or commercial rivalry in a united defense of that principle.

[From the New York Tribune (Republican)]

SOUND LAW AND GOOD PUBLIC POLICY

The decision of Judge Anderson of the United States Court for the District of Indiana, that publishers charged with criminal libel must be tried in the jurisdiction in which the libel was most obviously committed—that is, at the place of publication—will be generally recognized as conforming to sound law and good public policy. A United States district attorney had brought proceedings in the Indiana court to secure the removal to the District of Columbia of the proprietors of the Indianapolis News, charged with having circulated printed matter libeling persons alleged to have been connected corruptly with the transfer of French Panama Canal Co.'s plant and rights to the United States. Some copies of the newspaper were sent to Washington, and the Government's contention was that the libel was committed wherever the charges were circulated, and consequently the prosecution could elect in which of many possible jurisdictions it should try the case.

The court held, however, that such a construction of the law would lead to oppression and abuse. Judge Anderson ruled that if any offense was committed it was committed in the city of Indianapolis and should be dealt with there. Why should it not be? To admit a universality of liability would make it possible to remove defendants thousands of miles from their homes—to Alaska or Hawaii—and subject them, even if their innocence should be established, to extortionate annoyance and expense. Such a liability

would naturally operate as a clog on the liberty of the press. The Tribune has long maintained that deportations to jurisdictions other than that in which the libel is primarily committed are inconsistent with American traditions of free speech. It expressed that view in March, 1895, when an attempt was made to take Mr. Charles A. Dana, editor of the New York Sun, to Washington for trial on a charge of criminal libel. Mr. Dana was not removed. We reiterated the opinion last March, when proceedings were begun to secure the removal of the proprietor of the World—charged with circulating libels similar to those appearing in the Indianapolis News—from this jurisdiction to the District of Columbia. We are gratified to find that argument again emphatically approved by a Federal court.

[From the Philadelphia Inquirer (Republican)]

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In concluding, Judge Anderson remarked that "if the history of liberty means anything, if the Constitution means anything, then the prosecuting authority should not have the power to select the tribunal, if there be more than one to choose from, at the Capital of the Nation, nor should the Government have the power to drag citizens from distant States there for trial." To those sentiments every man with intelligence enough to appreciate the gravity of the issue will say amen.

[From the New York Times (Independent)]

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There are but two possible theories of the matter. Either the offense was committed in Indianapolis, where the paper was actually published, and there alone, or it was committed in every State and county of the Union where the newspaper was circulated. The theory that a publisher charged with a libel may be put on trial all over the country before any tribunal the prosecutor may select would be plausible and consistent in a despotic land, where the Government for its own purposes might now and then desire to harass and destroy persons charged even with minor offenses.

That our laws intend or will permit such procedures is a theory that will be maintained only by persons of an absolutist temper.

Judge Anderson puts his view of the law in this way:

"If the history of liberty means anything, if the Constitution means anything, then the prosecuting authority should not have the power to select the tribunal, if there be more than one to select from, at the Capital of the Nation, nor should the Government have the power to drag citizens from distant States there for trial."

So the Indianapolis newspaper men will not go to Washington.

[From the Philadelphia Bulletin (Republican)]

EFFORT TO USURP POWER DEFEATED

Expressing doubt as to whether the publication in question did as a matter of fact fall within the category of libel, the judge explicitly declares that under the Constitution and the statutes Federal authority has no right to take a defendant from the place where his offense is alleged to have been committed and to force him to stand trial either at Washington or in some other jurisdiction that is distant from his home.

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[From the Boston Advertiser (Republican)]

UNWISE PRECEDENT PREVENTED

Judge Anderson is wholly right in maintaining that it would be unwise to establish a precedent that a man can be arrested in the place where his offense has been committed, or where it is alleged that the offense was committed, and then taken to Washington to stand trial—unless under the order of the court for a change of venue on proof that a fair trial is impossible at the place of arrest.

[From the Indianapolis News (Independent)]

A GREAT VICTORY FOR LIBERTY

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In our eagerness to "get things done" we had grown impatient of the restraints which the centuries of struggle for liberty have shown to be absolutely essential. And no principles are more important than freedom of the press or that other principle that men shall be tried by the ordinary courts in the place where the offense, if any, was committed.

So we conclude that the decision of yesterday was no little personal victory, but a great victory for the vital principles of Anglican liberty. It is in line with Magna Charta, the Declaration of Right, the Declaration of Independence, and Constitution of the United States. We think that future Presidents will hesitate long before they attempt any such assault on liberty as that made in this case.

[Editorial comments from the New York World, Sunday, October 17, 1909]

CASE THROWN OUT OF COURT

[From the Jamestown (N. Y.) Morning Post]

It made no difference to Judge Anderson that the men who claim to have been libeled by the Indianapolis News include Charles P. Taft, brother of the President, and Douglas Robinson, brother-in-law of Theodore Roosevelt, a former President. He would not sanction such an indefensible procedure as the removal of his fellow-townsmen to the District of Columbia for trial, because he was asked to do so by a special deputy attorney general appointed to take charge of this prosecution when the United States district attorney for the Indiana district offered his resignation rather than have anything to do with the case.

It is an old principle of the law that a man charged with crime is entitled to a trial by a jury of his peers drawn from the vicinage; that is, from the jurisdiction where the crime is alleged to have been committed.

[From the New Orleans Times-Democrat]

FRAUGHT WITH DANGER

If the Federal administration enjoyed the power to indict for libel all those who criticized or denounced its policies, and to take them on to Washington and make them stand trial there, it would enjoy a power that would seriously endanger the freedom of the press. Criticism would be dangerous under such circumstances with editors from all portions of the country standing trial in the shadow of the White House. We have had too much centralization of late, but nothing quite as bad or as dangerous has been proposed heretofore as this proposition that Judge Anderson has just knocked out.

[From the Wheeling Register]

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If this preposterous idea has been upheld as a principle of law, it is obvious that the Government might proceed similarly against proprietors of papers published in remote sections of the country and put them to such expense in defending themselves in Washington as would spell bankruptcy in hundreds of cases.

[Printed in the New York World, Tuesday, October 19, 1909]

A TYRANNICAL POWER BROKEN

[From the Philadelphia Inquirer (Republican)]

President Roosevelt, in his impetuous way, proclaimed that the United States Government had been libeled, and nothing would do but the arrest of the culprits and the dragging of them to Washington. The Federal court at Indianapolis finds a grave constitutional objection to any such procedure.

Of course, Roosevelt was a great President in many ways, but the Constitution to him was not always sacred. Could he have won his point the Government would have become a tyrannical power continually holding a club over the heads of newspapers.

[From the editorial page of the New York World for October 19, 1909]

* (Chicago Inter Ocean, Republican)

To admit that a newspaper committing such an alleged crime could be brought to trial, not where the alleged crime was committed but wherever the head of the Government for the time being might choose, and before such court as he might select, would be to overthrow a plain constitutional guaranty and destroy the liberty of the press.

[From the New York World of October 20, 1909]

(San Francisco Chronicle, Republican)

THE MOST LAWLESS ACT

The prosecution and attempt to drag the defendants to Washington was the most lawless act of the most lawless President we have ever had except Andrew Jackson. It was wholly indefensible. It is improbable that the present administration desires the extradition.

[From the editorial page of the New York World of October 21, 1909]

(Hartford Times)

THE LIBERTY OF THE PRESS PRESERVED

All the machinery of the Department of Justice under the last administration was brought to play for the purpose of compelling these newspaper owners to go to Washington, D. C., and submit to trial there for an alleged criminal libel.

[From the editorial page of the New York World of October 21, 1909]

(St. Louis Globe-Democrat, Republican)

HISTORY MADE AT INDIANAPOLIS

The Constitution of the United States has been vindicated in Indiana. The gist of the opinion is that the Constitution would be obviously and willfully violated in forcing citizens in conduct of newspapers away from their homes to face trial at points remote from their places of publication.

[From the editorial page of the New York World of October 21, 1909]

(Nebraska State Journal, Republican)

A GRATIFYING DECISION

Judge Anderson, holding appointment for life, and with nothing to hope or fear from the attitude of press or public, renders a decision in the Panama Canal case that will be gratifying to the friends of a free press. It is not the fact that the Indianapolis News escapes prosecution that is primarily gratifying. The question whether that paper abused its freedom may be left open. But his denial of the right of the Government to hale the editors to Washington for trial relieves the press, if the higher courts should uphold the doctrine, from a danger of prosecution that might lead to the utmost intimidation by persons in authority.

[From the editorial page of the New York World of October 22, 1909]

(Albany Argus)

NO LAW OF LESE MAJESTY

But the important thing, the vital thing, is that it is now decided for all time, we hope, that newspapers are responsible for their sayings and doings in the place where they are published, and can not be haled to the seat of the Federal Government or to some Government post or reservation many miles away from their homes on the pretext of "libeling the Government."

[From the editorial page of the New York World of October 23, 1909]

(Omaha World-Herald)

Judge Anderson has rendered a service to the free press of the Republic. He has vindicated its right honestly to criticize public officials, no matter how exalted, and the right of the accused to be heard and tried at home by a jury of his peers.

[From the New York Sun, June 26, 1895]

LIBERTY OF THE PRESS PRESERVED—COMMENTS OF THE GREAT NEWSPAPERS ON JUDGE ADDISON BROWN'S DECISION IN THE DANA-NOYES CASE

[From the New York Morning Journal]

The case against Mr. Dana, editor of the Sun, was decided yesterday in his favor, the judgment being against the demand that he be taken to Washington to answer in the courts there for an alleged libel published in the Sun in this city.

This is in accord with common sense, and it is always a pleasure when we find common sense and law coincide in the same conclusion. The Sun is published in this city, and if anything published in its columns does wrong to another, whatever offense is involved in that wrong is committed here, and the offender should be held to answer in the courts here and not elsewhere. The notion that it would be more equitable to try the case where the libeled man is best known is in fact an appeal to prejudice. It is a proposition that in a man's own neighborhood a jury is more likely to view the case as it affects him rather than as it touches the law, and that the plaintiff ought to have the benefit of this difference.

[From the Brooklyn Citizen]

It is perhaps enough to remind our readers that the kind of outrage which the men who put up the scheme against Mr. Dana undertook to perpetrate was among the most serious of grievances of the Colonies against Great Britain. Just as these contemptible defilers of the springs of justice proposed to force an American to travel far from his home to meet an accusation in the District of Columbia, so the ministers of the King not only proposed but did in fact force Americans to cross the ocean and stand trial in London.

[From the Philadelphia Press]

This is a just and righteous decision, since it forbids what in practice might be harsh and oppressive and in principle is clearly unjust. While it leaves open the liability of an editor or publisher to prosecution for libel in another State or in the District of Columbia if he comes voluntarily within the jurisdiction, it is much to know that he can not be taken from his home, where he is known and respected, and forcibly removed for trial before strangers and an unfamiliar and, perhaps, hostile court.

[From the Albany Times-Union]

When he (Mr. Noyes, of Washington) undertook to drag Mr. Dana by judicial process from his home in New York to Washington, there to be tried under the laws of a section of the country other than that to whose laws he was immediately subject, the prosecution at once took on the appearance of persecution, and the love of fair play was aroused in the defendant's behalf.

[From the St. Paul Daily Globe]

All that any scoundrel who had found himself published to the world in his true colors in the columns of a newspaper would have to do would be to bring a charge against the editor, being perhaps a thousand miles away, and put him to the inconvenience and expense of appearing for trial, even if an unfavorable local sentiment did not bring about his conviction and punishment. This is the sort of thing that the people would never tolerate. We are glad that the issue has been raised.

Mr. HEFLIN. Mr. President, I hold in my hand a copy of the Constitution of the United States. I trust that in these days it is not too old-fashioned to refer to that document. In the preamble we find these words:

> We, the people of the United States, in order to form a more perfect Union establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The fifth and fourteenth amendments to the Constitution, Mr. President, in effect provide that the citizen shall not be deprived of life, liberty, or property without due process of law.

So, Mr. President, we see in the outset that it was the purpose of the framers of the Constitution to establish a Government here where justice would prevail, where citizens would be safeguarded in their rights under the Constitution and secure in their property. We set up courts of justice under the Constitution in order to protect the law-abiding citizen in his rights and in the enjoyment of his property.

Highwaymen used to go out and hold up the citizen who had accumulated money or property of various kinds, and the courts were quick to go to the rescue of the citizen who had been set upon by outlaws, by those who did not regard law and courts, and they would bring the criminal into court and put severe punishment upon him for daring to deprive a citizen of that which belonged to him.

Under the Constitution no man can be deprived of his property without due process of law; in other words, the principles of justice must enter in, and, if he is deprived of his property, it must be after the essence of justice itself has been invoked and due process of law had.

A few days ago I had occasion to bring to the attention of the Senate and the people of the country the fact that Mr. Stone had to do with a case of great importance affecting an American citizen; that Mr. Stone appeared in the Supreme Court, argued the case, and urged the Supreme Court to sustain the judgment of the lower court. In the lower court Colonel Ownbey was proceeded against under a writ of attachment. That court was in Delaware, and he was a citizen of Colorado. He was ordered by that court to come and answer, and when he came into court to answer and was prepared to show that he did not owe the heirs of Morgan anything, but that they owed him, he was met with the proposition that he must put up a bond of $200,000. He told the judges that he could not provide such a bond; that the attachment had tied up his property, and that he was not able to comply with that request. The record shows, Mr. President, that the attorney for the Morgans suggested that the bond be made $200,000, and the Delaware court fixed the bond in the amount suggested by the Morgan attorneys.

I hold that when this man Ownbey arrived with his testimony to show that that suit in Delaware was without foundation, a procedure for tying him up and getting him in a court where he could not testify and they could take his property from him as a matter of right, he ought to have been heard. He is in the city of Washington. His property was taken from him. He was not allowed to testify. He employed lawyers and paid them fees. They went into the court there and entered their names upon the dockets. The lawyers of Mr. Morgan, lawyers employed by the firm of Satterlee, Canfield, & Stone, moved that their names be stricken from the record. The court permitted that to be done, and Colonel Ownbey's lawyers sat in that court. He sat there himself. They were not permitted to open their mouths for him in the case; he was not allowed to testify himself; and finally, when he did

rise to protest or suggest something to the court, a bailiff escorted him from the court room.

Mr. President, this case may not amount to very much in the eyes of some Senators. I do not know how they feel about it. I take it that some of them do not know the facts in the case as I know them. This man came to me, amongst others that he talked to, when he first arrived in Washington. He told me that he wanted to tell me about this case, and he asked me if I thought the treatment accorded to him was right and just, and if those things could be put over in this land of liberty. I talked with a Republican Congressman in the House, an able lawyer. He used to be a judge himself. He told me that he had read this record, and that the treatment that Ownbey received constituted one of the most outrageous cases that had ever come to his notice. I have talked to other men who have read the record, and they, too, state that it was an outrageous performance.

It is said that Mr. Stone appeared only in the case in the Supreme Court; but, Mr. President, when he did appear he put his construction upon the Constitution. When he did appear, with the record before him showing what had occurred in the lower court, and sat in the Supreme Court himself, after listening to the argument of Mr. Marshall, from New York, who said in his presence that Mr. Ownbey had never yet been permitted to open his mouth in the case or to be heard in any manner whatever, but judgment had been rendered against him and his property taken from him, Mr. Stone closed the argument for the Morgan heirs, and in that argument he urged the Supreme Court to sustain the judgment of the lower court. He took the position that what occurred in the lower court was proper and that no injustice had been done to Colonel Ownbey.

Mr. President, my objection to Mr. Stone is fundamental. It goes to his views as to a proper construction of the Constitution. If he holds that that is a proper interpretation of the Constitution, God help the litigants whose cases shall go up before him in the years that are to come! I know now, before I make this fight, that you are going to confirm him. I am satisfied of that; but I shall not discharge my responsibility as a Senator and my duty to my constituents and to those who may appeal to me for justice, nor comply with my oath to support and sustain the Constitution without making this fight and presenting this cause, that those out in the country who read the RECORD may learn the truth of somebody who has made a fight for a humble citizen who has been outraged and deprived of his property in violation of the Constitution of the United States.

Mr. President, I know that the die is cast so far as this confirmation is concerned. I am one of those who must pass upon him in this body. He does not get upon the Supreme Bench until this body elects him. Democrats and Republicans alike have to cast their votes for him and elect him to a place on the Supreme Bench before he can occupy a place there. The fundamental principles of the Constitution have been violated. An American citizen whose forbears fought in the battle of Kings Mountain has been denied his rights in the Government where he lives, whose institutions he has supported loyally and enthusiastically, a great pioneer helping to develop the great West, a partner with Morgan, making thousands of dollars for himself and for the company in the better and brighter days of his life.

I hold here a paper published out in Colorado. This advertisement, covering two pages, appeared on August 12, 1908. It is an advertisement of the Morgan Co., in which Colonel Ownbey was a partner, and of which he was vice president and general manager. Listen to the headlines:

Immense Wootton estate bought by Colonel Ownbey, J. P. Morgan, Ogden Mills, and B. P. Cheney.

Then down here is a picture of Colonel Ownbey on his horse, and here is a picture of J. Pierpont Morgan. All was well then when this great mining engineer, this splendid genius—and he is such—was out there gathering up property for his company, and developing the mines for this great company that he represented, and making money for its members. Here is what this paper says of Colonel Ownbey:

A splendid thing—a vast and always visible monument to the worth, energy, integrity, and great executive ability, determination, and dauntless courage of a certain man well known to Colorado, and better known to me—has had my consideration and observation during the past 10 days, and I have studied and admired all this during the period mentioned in the company of the builder of his own monument, Col. J. A. Ownbey.

Mr. President, while he was conducting that company in Colorado, he wrote a letter that I have upon my desk to J. Pierpont Morgan, telling him to send money for the conduct of the company, and stipulating in the letter that this money should be paid back to him, not by Ownbey—it was not a personal account—but by the company, out of the first earnings of the company, for money advanced by Morgan to run the company's business. Now, Ownbey never owed Morgan at that time anything at all personally; but, unfortunately for him, Morgan died. He told me that the old man was a straight man, and that he never had any trouble while the old gentleman lived; but when he died the heirs came out there and proceeded in the district court and threw him into the hands of a receiver. He won the case in the court there. They appealed it to the circuit court of appeals out there. Colonel Ownbey won the suit in that court; and while that case was pending, where he could be heard as well as the Morgan heirs, he won the case and the court adjudged that they owed him $53,000; but then what do we find them doing? We find the firm of Satterlee, Canfield & Stone going over to Delaware, employing Saulsbury and another lawyer, who has since been put upon the Federal bench himself, and they proceeded under a statute older than the Government, resorted to but few times in its history, a den of iniquity—that is what that statute is—and they proceeded under writs of foreign attachment, and they suggested a $200,000 bond.

My judgment is, and I assert it as my conviction, that they fixed that bond at a figure that they did not believe he could make. They proceeded under that statute because they did not think he could be heard under it or would be heard; and they brought him over there to Delaware, away from Colorado, and when he arrived with the same facts that he had submitted in Colorado, where he had won the suit against the company, they would not hear him over here. The Bible says, "Know the truth, and the truth shall make you free." Did they know it? They would not hear it—not a bit of it.

Let me read you what occurred out there in the circuit court of appeals. The lawyers of Colonel Ownbey said in their brief to the circuit court of appeals:

On the other hand, if it should be apparent to the court that some unconscionable advantage is being sought by plaintiffs through the instrumentality of a foreign court, or some wrong being done to the defendant which in equity and good conscience he should not be compelled to suffer—

And so forth.

From the record as a whole we think the deduction is fair—in fact, almost unavoidable—to the effect that the Delaware suit was instituted and prosecuted by plaintiffs without any probable or reasonable ground for believing that it was a just or meritorious cause, but with every reason for believing and knowing that such action was wholly unwarranted. Their sole witness in said Delaware suit was Thomas W. Joyce, and the testimony he gave therein, and which was necessary to sustain the action, is testimony that can not be true, as he well knew from his own prior letters and his admitted prior knowledge of other letters written by Ownbey and approved by Morgan, and constituting a contract to the effect that the moneys sued for in the Delaware suit were not the personal obligations of Ownbey at all. For Joyce's testimony in the Delaware suit, see transcript of the record.

It gives the pages.

As showing that at the time he gave his testimony in the Delaware suit he must have known that the sums of money which he then stated to be personal debts due from Ownbey to Morgan were, in fact, not such debts, and that no personal liability on the part of Ownbey existed as to such moneys, we direct the court's attention to the letters and receipts appearing in the record at pages 154 to 163, inclusive.

A careful comparison of the various sums testified to by Joyce in the Delaware litigation with the sums mentioned in said letters and receipts will prove to the court that every dollar embraced in the Delaware claim was money to be repaid to Morgan out of the surplus earnings of The Wootten Land & Fuel Co. These letters are admitted as genuine and authentic and bear the approval of Morgan and Cheney in most instances and also show on the face thereof that Joyce saw the letters and knew their contents, and in one instance at least, in a letter written by himself, he makes the straight admission that said funds were to be repaid from the first earnings of the property.

Mr. President, I do not care what kind of technicalities Senators may resort to here in trying to answer my charge against Mr. Stone. You may say that they have such a statute in Delaware. I concede it. You may say that the court in Delaware declared that such a statute existed and that they must stand by it. They did do that. I do not agree, however, that they should stand by it. No judge ought to stand by an oppressive and tyrannical statute. A statute that denies a citizen due process of law is not law in the true sense. It is a subterfuge and an outcropping of judicial tyranny.

Lawyers may say: "Of course the Supreme Court had to sustain the lower court." That is not true unless it wanted to.

The Supreme Court had the right to declare, and in my judgment should have declared, the statute of Delaware unconstitutional in the face of the fifth and fourteenth amendments of the Constitution. The court should have said, "We set that statute aside, and we hold that this citizen has not had due process of law."

Let us see what the decision of the Supreme Court said. I shall not read all of it. This decision was handed down by Mr. Justice Pitney and stated:

This writ of error brings under review a judgment of the Supreme Court of the State of Delaware affirming a judgment of the superior court in a proceeding brought by defendants in error by foreign attachment against the property of plaintiff in error pursuant to the statutes of the State.

Proceedings were commenced in the superior court December 23, 1917, by the filing of an affidavit entitled "In the cause, made by one Joyce"—

That is the man I read about a little while ago, who had before given out statements to the effect that this debt was not the debt of Ownbey but was the debt of the company, to be paid out of the first earnings of the company to J. Pierpont Morgan, who had advanced the money. Here is the Supreme Court judge saying that this thing was done upon the testimony of one Joyce—

a credible person, and setting forth that Defendant Ownbey resided out of the State, and was justly indebted to plaintiffs in a sum exceeding $50.

Listen to this, Senators:

Thereupon a writ of foreign attachment was issued to the sheriff of New Castle County, which plaintiffs caused to be indorsed with a memorandum to the effect that special bail was required in the sum of $200,000, and under which the sheriff attached 33,324⅛ shares of stock (par value $5 each), held and owned by defendant in the Wootten Land & Fuel Co., a Delaware corporation, and made a proper return. Plaintiffs filed a declaration demanding recovery of $200,000, counting upon a combination of the common money counts in assumpsit.

Whether such pleading was required or even permitted by the statute is questionable; but this is not material for present purposes. Not long afterwards, defendants, by attorneys, without giving security, went through the form of entering a general appearance and filed pleas of nonassumpsit, the statute of limitations, and payment.

Mr. President, here is the Supreme Court judge himself saying that this man was present with his attorney, filing a statement saying that whatever obligation he had had had been paid, and setting out the fact that he owed nothing whatever, and with the proof to support it; but he was not permitted to be heard.

What happened?

Plaintiff's attorneys moved to strike out the appearance and pleas on the ground that special bail or security as required by the statute in suits instituted by attachment had not been given.

I want to remind Senators that they may resort to technicalities, but what are the cold facts, stripped of all sophistry and cobweb theory? The facts are these, that this man was proceeded against, ordered to come into court and answer, and when he did, with the proof to show that he was right, just as he had done in Colorado, what did they say to him? They said, "Unless you can raise $200,000 and make a bond, we are not going to let your lawyers plead for you; we are not going to hear one scintilla of testimony from you." That is what happened.

I read:

To this motion defendant filed a written response, setting up that the Wootten Land & Fuel Co., although a Delaware corporation, was engaged in coal mining and all its other activities and business in the States of Colorado and New Mexico, where it had large and valuable property; that defendant was a resident of Colorado, and the stock in said company attached in this case constituted substantially all his property; that the company was in the hands of a receiver, and because of this the market value of the shares attached was temporarily destroyed, so that they were unavailable for use in obtaining the required bail or security to procure the discharge of the shares from attachment, and that it was impossible for defendant to secure bail or security in the sum of $200,000, or any adequate sum, for the release of the shares so attached; that defendant had a good defense in that there was no indebtedness upon any count or in any sum due from him to plaintiffs; that by the true construction of the Delaware statutes the entry of bail or security for the discharge of the property attached was not a necessary prerequisite to the entry of defendant's appearance, and such appearance might be made without disturbing the seizure of property under the writ or its security for any judgment finally entered.

That shows that Ownbey was willing to waive anything and everything that would permit him to appear and be heard. He was willing for them to hold his property, but he wanted to appear and have the judges to get the truth, but they would not hear him.

I read:

If the statutes could not be so construed as to permit appearance and defense in a case begun by foreign attachment without the entry of bail or security for the discharge of the property seized, they were unconstitutional under the first section of the fourteenth amendment, in that (a) they abridged the privileges and immunities of citizens of the United States; (b) deprived defendants in cases brought under them of property without due process of law; and (c) denied to such defendants the equal protection of the laws.

There it is, and the statement remains unchallenged by anybody, undisputed by the Morgans or Mr. Stone, that this man was proceeded against; that his property had been taken from him—the Morgans got his property; that the case came up to the Supreme Court, and one of the Morgan lawyers, Mr. Stone, urged the Supreme Court to sustain the judgment of the lower court; and Colonel Ownbey has not been heard yet.

Senators, is that due process of law? Is that right? Is that just? Do Senators indorse that kind of treatment?

If Mr. Stone holds these views about the Constitution, is he a fit person to be put on the Supreme Court bench for life? He is a young man, in the vigor of health. Is he to be put upon the bench to construe the Constitution in the way he has already said it ought to be construed, in the way that he urged the judges already on the bench to construe it?

I am glad that Chief Justice White dissented from the opinion in that case and that Justice Clarke did likewise. Justice McReynolds, I believe, stated that he concurred in the result, whatever that means. We know that Colonel Ownbey lost his property because he was not permitted to submit testimony to the court.

Listen to this:

Upon motion of plaintiffs this response and the attempted appearance and pleas of defendant were struck out upon the ground that special bail or security as required by the statute had not been given by defendant or any person for him; the court in banc holding that in a foreign attachment suit against an individual there could be no appearance without entering "special bail"; that the requirement to that effect was not arbitrary or unreasonable and the statute was not unconstitutional.

Mr. President, what would it take to convince a court that the requirements here were not unreasonable, when Colonel Ownbey sat there in that court and offered to show that he was not financially able to make the bond that Morgan's lawyers had required him to make? If he could not make the bond—and he could not—was it the proper thing for that court to hear Mr. Joyce, whose testimony had already been crippled and broken down in the court in Colorado, and against whose testimony Colonel Ownbey had won the case? Was it right to make him sit in open court and permit these others to testify and take his property from him without ever hearing him at all, or letting the lawyers whom he had already paid stand up and plead his cause in the courts of his country?

Mr. President, I said the other day that a lawyer's anxiety to win a suit for his client should never prompt him to solemnly stand up in a court of justice and put a construction upon the Constitution in which he does not believe. When a lawyer does put a construction upon the Constitution in the Supreme Court it is a matter of record, and we can find out by that act how he feels about this great instrument, and we can learn from the tactics he employs in his practice whether it is right or proper for this great tribunal here to elevate him for life to a position on the Supreme Court bench.

Unless it should escape my mind, I want to refer to some cases which have been in Mr. Stone's charge for more than a year, which have been pending since the war, and in which no steps have been taken yet. One of them is the United Gas Improvement Co. case, in which Mr. Stotesbury is a member; and Mr. Stotesbury is a member of the Morgan interests.

Mr. Stone, in a letter written last year in reply to a Mr. Keenan, dated July 28, 1924, said:

DEAR SIR: I beg to acknowledge receipt of your letter of the 26th instant. I am having an examination made of the entire record in the United Gas Improvement Co. cases. As soon as that examina-

tion is completed and a report thereon made to me, I shall take such action with reference to the matter as seems appropriate and warranted by the facts in the case.

Yours very truly,

HARLAN F. STONE,
Attorney General.

That was in July, 1924. What disposition has been made of that big case? None. Mr. Daugherty dismissed the indictment against this company in which the Morgans are interested. About eight months have passed since Mr. Stone wrote this letter to Mr. Keenan saying that he would investigate this matter and take such action as he thought appropriate. What action has he taken? None whatever. This matter is still pending. I understand that in this case the grand jury unanimously indicted this gas company. After Mr. Daugherty had dismissed the indictment, it seems to me that Mr. Stone should have had the company reindicted, and should have proceeded against them. I understand that Mr. Stotesbury appeared before the committee investigating campaign contributions last fall—which never reported—and testified that he had contributed $5,000 himself to the Coolidge campaign fund, and that he had collected $50,000 for the fund, that he was very much interested in the election, and would do all that he could to raise funds for that purpose. Mr. Stotesbury is one of those interested in the gas company that Mr. Stone wrote last July he would investigate and take such action as he deemed appropriate. I wonder what that appropriate action is? No action has been taken so far as I know.

Again they tell us that Mr. Stone said he did not know Colonel Ownbey. I have here two telegrams that say Colonel Ownbey was a member of the Lawyers' Club in New York in 1915; that he was a nonresident member. Here is another telegram saying:

In answer to your telegram, Mr. J. Ownbey was a member, 1915, Bankers' Club of America, 120 Broadway, New York City.

Mr. President, in a letter which I have read Mr. Stone said that he did not represent Morgan. He had been a partner, however, of Satterlee, Canfield & Stone from 1913 to 1923 and that firm is the firm that proceeded against Ownbey. That firm is the firm that employed lawyers in Colorado. That firm is the firm that employed lawyers in Delaware. That firm is the firm as whose counsel Mr. Stone appeared in the Supreme Court to drive the final tack in the coffin of Colonel Ownbey's rights as a citizen. When he had come away from Delaware, when he said, "I can not get justice here," when he said, "My rights have been denied me, my property taken from me without due process of law. I will go to the city of refuge where any American citizen can go who has a just cause. My cause is just. The judges out in Colorado who heard both sides said I was right in my contention. Out there where both parties were heard I won out, but over here, where only Morgan's agent and sole witness was heard and my lips were sealed, I have been denied my rights and deprived of my property, and I will take the case to the Supreme Court." Whom does he meet when he goes there? He finds Mr. Stone himself, and he sits there and hears Marshall, as I said a moment ago, argue the case. What did Mr. Marshall say in his hearing?

After saying the suit was brought by Morgan's executors to recover $200,000 and the complaint was on the common counts, he said:

Thereupon, the defendant Ownbey, by the firm of Ward, Gray & Neary, proceeding in accordance with the practice of Delaware, entered appearance, by writing their names opposite the name of the defendant, which was the method in vogue in that State for appearance in an action. These attorneys also filed pleas of "nonassumpsit," "statute of limitations," and "payment."

After that had been done a motion was made on behalf of Morgan's executor to strike from the docket this appearance and to strike out the pleas on the ground that the defendant had no right to appear or to interpose pleas to the declarations that had been filed until he had first given bail to the amount of $200,000.

Mr. Stone was sitting there when this argument was made.

Mr. Justice PITNEY. Would that have released the property from the judgment?

Mr. MARSHALL. It is claimed by his opponents that his appearance would have released the attachment. We contend that that did not necessarily follow, and if that was the consequence it nevertheless would not have justified what was done by the court depriving him of his right to be heard in those proceedings, because in those proceedings it was sought to seize and dispose of his property.

Mr. Stone heard that argument in the Supreme Court and after it was all over he rose in his place solemnly and urged the Supreme Court to sustain the judgment of the lower court. Had Colonel Ownbey been heard? Not at all. Had the lawyers he had employed and paid been permitted to present the facts in his case? No. Had the truth been obtained by the judges on the bench? No. Had justice been done to an American citizen? No. That is my contention.

Senators, people out in the country want us to be exceedingly careful about who goes upon that bench. The American citizen who can not speak here himself wants Senators here who do not pass upon these cases merely from the lawyer's standpoint; I am not passing upon it from the lawyer's standpoint merely. I am passing upon it as a servant of the American people, as a representative in this body sworn to protect the institutions of my country against enemies, both foreign and domestic. A man does not have to come with a battle-ax in his hand and a torch to be an enemy of the Constitution. He may be just as sincere in his construction of it as I am, but if his construction is wrong and hurtful to the plain citizen he is not a proper person to be a Supreme Court judge. That great fundamental law gives the citizen the right to come in and be heard against the richest man in the country, whether he is worth a million dollars, or hundreds of millions of dollars, as the Morgans are.

What else? I have here some correspondence which I will not weary the Senate to read, but which shows that Colonel Ownbey was a partner in this Morgan company. Here are notices sent to him as a stockholder to attend meetings; one telling him that a meeting has been postponed and to come in April instead of March.

Here are his letters to Morgan saying how the money he was to obtain should be spent for the company, not by him, and yet the Morgan heirs, when Morgan died, proceeded against Colonel Ownbey. Morgan was a partner in it, Cheney was a partner in it, Ogden Mills was a partner in it, and some one or two others, but they proceeded against Ownbey personally over in Delaware and against the company in Colorado. Senators, you can not escape the conclusion that this was a conspiracy to rob this man, to get him out of that company, to get his property, to break him, and they have done it. One of the letters in this file is a letter where he finally wrote to his lawyer in Delaware that he was stripped of his substance; that he had nothing left for his wife and children; and that he was nearly 70 years old.

Mr. President, if the day comes, and perhaps it will, when a mere citizen will not have his cause presented here at all, it will be a sad day. I said the other day that the danger is that we are going to permit the Supreme Court to make the rules of procedure by which a citizen can appeal his judgment from the lower court until the time will come when only the immensely rich man or the big corporate concern will ever have a case heard by the Supreme Court. Money, money, dollars. "Come into court, Colonel Ownbey, and answer this judgment we are about to render against you for the Morgan heirs." He came in. He said, "I do not owe them a thing. Out yonder the case has been adjudicated and I won the suit. They owe me $53,000. I am here to tell you the truth. Hear me. Do justice by me, I am an American citizen." They said, "Have you got $200,000 about your person?" He said, "No." "Well, you can not be heard here. Have a seat." His lawyers rose and said, "if the court please, we would like to be heard. We would like to enter pleas to the effect that this man does not owe this sum or any part of this sum." They said, "You may sit down, too."

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Alabama yield to the Senator from Delaware?

Mr. HEFLIN. In just a moment. "Sit down. We have stricken all your names off the docket. You have been paid your fees to help him, but you can not talk here until you come in with a $200,000 bond."

I now yield to the Senator from Delaware.

Mr. BAYARD. I would ask the Senator, with his permission, if it at all appears that Colonel Ownbey, in testifying before the Judiciary Committee, said whether or not he had sought his equitable remedy in the State of Delaware, or whether he had pursued, instead, his legal remedy under the statute?

Mr. HEFLIN. I do not know. I have not the time to fool with questions of practice involving a court of equity.

Mr. BAYARD. Does not the Senator think it would be more fair to the people of Delaware and the administration of the courts in Delaware and the administration of justice

in Delaware if he stated the full facts and the full remedy Mr. Ownbey might have exercised?

Mr. HEFLIN. No. I have not the time to go into what he might have exercised. I am speaking of the case that was tried, and telling how he fared in that case and what was done to him there. What he might have done afterwards, or at the time, I do not know, but I do know that he has been tried without a hearing, his property taken from him, and he is broken in his old age and turned away empty handed.

Mr. BAYARD. Let me suggest to the Senator that if Mr. Ownbey, through his counsel, had seen fit to go into a court of equity he might have taken that course for equitable relief. That seems to be omitted entirely from the Senator's argument.

Mr. HEFLIN. I do not know what course he might have pursued, but I come back again to the statement of the fundamental principles of right, which are as eternal as the granite hills; the fundamental principles of justice which permeate, or should permeate, every institution of our Government.

When he appeared and they were proceeding against him and his property, if he wanted to show that there was no foundation for that suit, I do not care whose State it was in, the proceeding was wrong, the judgment of the court was wrong, a citizen was outraged, and the Constitution was raped. There is no getting around that. I have not the time to fool with technicalities. I am getting at the fundamental issue of truth and right and justice in this case. I am willing to take my responsibility for the RECORD that shall go out on to-morrow to 50,000 or 60,000 people who read it in every section of the country. Let them say whether or not we are proceeding properly when we are elevating to the highest bench in the Nation for a lifetime a man who has urged the Supreme Court to sustain an unjust judgment of a lower court, a judgment that outraged a citizen and took his property without due process of law. I am willing to stand on that proposition.

There is no doubt that some here will feel that I should not consume this time just for a mere citizen—one American citizen—but it appealed to me when this man with tears in his eyes told me about this dreadful case. I said, "They may not have heard you out yonder; they may have adhered to some sort of technicality in the Supreme Court which has done you a grave injustice, but I will tell the story of your case to the Senate and to the country."

The RECORD when I am dead can speak for itself. Those who shall come after me from my State to this body, when questions like this arise, will know that there was one here in the years gone by who dared to hear the complaint of the plain citizen and to plead in this presence for the observance of his rights, who proclaimed the doctrine of the Constitution that no citizen should be deprived of his property without due process of law.

Mr. President, I deplore this thing more than I can tell you. I have here a newspaper clipping to show how they went after this man Ownbey. Here is a statement which the Morgan interests printed in a Colorado newspaper on January 28, 1923, after they had broken Colonel Ownbey:

PARTNERSHIP NOTICE

January 26, 1923: Certain advertising having recently appeared wherein it was represented that one Col. J. O. Ownbey—

J. A. Ownbey is the correct name—

was a partner of the late J. Pierpont Morgan, we hereby notify all whom it may concern that the said Col. J. A. Ownbey never was a partner of the late J. Pierpont Morgan, nor of any firm of which the said J. Pierpont Morgan was a member.

J. P. Morgan & Co., New York.
Drexel & Co., Philadelphia.
Morgan, Grenfell & Co., London.
Morgan, Harjes & Co., Paris.

Mr. President, I have already read to you from the Denver Post the paid advertisement of this property of the Morgans and Ownbey and containing their pictures when they first bought that property. In his correspondence he signed his name as vice president and general manager of the company. The Morgan secretary gave him notice of the meetings of the stockholders, and in his letter to J. Pierpont Morgan he says, in substance, "You advance this money, your part so much, so much mine, and for Cheney and the others, and we will pay it back out of the first earnings of the company."

Well, it does look as though they went out to do the old man a nice job, does it not? After they had crippled him, had proceeded against him in Colorado, then over in Delaware they finally obtained a judgment, put his stock upon the block, bought it in themselves, and gave him the final blow by saying he was not a partner and never had been. There it is, Mr. President.

Here is a letter from Colonel Ownbey to his attorney offering to sell his interest in the company or to buy Morgan's interest. The letter was written on April 9, 1915. Listen to this, Senators:

Dear Mr. Anderson—

Anderson was in New York; he was a lawyer there—

I would be willing to settle with the Morgan executors concerning the Wootton contention on either of the lines designated below:

First. Will give them $250,000 in cash, they paying the expense of the litigation they started up to the present date, and their proportion of the indebtedness, which is about $70,000.

Second. If they will not do this, for them to make a give-or-take offer for the entire capital stock of the company; that is to say, that they will take the same price per share for the stock they own that they would give me for mine.

I will not read all of this letter, but I will ask to have it printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, that order is made.

The entire letter is as follows:

THE WOOTTON LAND AND FUEL CO.,
Boulder, Colo., April 9, 1915.

Mr. H. B. ANDERSON,
Fourth Floor, Mills Building,
15 Broad Street, New York City.

DEAR MR. ANDERSON: I would be willing to settle with the Morgan executors concerning the Wootton contention on either of the lines designated below:

First. Will give them $250,000 in cash, they paying the expense of the litigation they started up to the present date and their proportion of the indebtedness, which is about $70,000.

Second. If they will not do this, for them to make a give-or-take offer for the entire capital stock of the company; that is to say, that they will take the same price per share for the stock they own that they would give me for mine, in proportion to our holdings, or sell me their stock at the same price they would give me for mine. If they will do this I will accept one or the other, but all payment to be made in cash within 30 days from date of offer, in either event they to pay all expenses of this litigation to date.

Third. If they will not make this kind of a proposition, I will arbitrate it with them; say that I will accept you as my representative and they to select some one other than a member of the firm of Morgan & Co., or one who has held stock or now holds stock in the company, to represent them, and if they can not agree, that you call to your aid a third man. I will consider a final settlement on that basis, with the understanding that both sides will be bound by the findings of the arbitrators.

Fourth. If they won't do that, I will take $400,000 for my holdings, they paying all debts and obligations of the company, and I will give them a receipt in full for my entire interest in the Wootton property.

Fifth. If they won't do this, I will take $250,000 for my interest in all coal underlying the surface, and the company giving me a deed to the surface rights, including what livestock there is there, excepting, however, the mine mules which are kept exclusively for the operations of the mine. They to fence off all buildings comprising the little town of Wootton for their use, and they to have all buildings, tipples, power houses, etc., all of which should not exceed 200 acres, and to have other facilities; that is to say, the pipe lines necessary to be used in connection with the operations of the camp, excepting the ranch house, fences, corrals, etc., which should go with the surface rights.

If they will not accept any of these offers, we will litigate it out and I will proceed accordingly to protect my interests, not only in this suit but to collect amounts due not only from the Wootton interests but on other transactions.

Sincerely yours,
J. A. OWNBEY.

P. S.: I am sending you under separate cover copies of complaint and answer in the case. Considering our past friendship, I am assuming that you will handle this matter for me in its entirety.

J. A. OWNBEY.

Mr. HEFLIN. Mr. President, that letter, which was written in 1915, shows that Colonel Ownbey was a partner of this Morgan Company, and that he offered to sell out to them and to get out of the company or to buy their part of it and get them out and own it all himself; but I suppose they thought when they finally broke him that that was the end of it and the end of him, but that they would give this notice out yonder in the event that somebody might, after it all was over, start a

suit against the Morgan heirs. So they put this notice in the newspaper stating that they were not in partnership and never had been partners with him. Mr. President, the record speaks for itself, and it shows that they were partners.

Now, let us look a little closer into Mr. Stone's connection with this case. He did not seem to remember this case. Here is a telegram from the Chief Justice of the Supreme Court of Colorado. In it he says:

> I saw Satterlee and Stone in obtaining option for Ownbey on the Morgan interests in Wootton Coal Co. I refused their request to include in option contract release of all claims for damages growing out of the Delaware suit.

Was Mr. Stone present when that conversation took place? Mr. Chief Justice Teller says that he was.

Now, let us see. Here is another telegram that followed the next day, to make it more specific:

> Stone was present at the interview of which I wired you day before yesterday.

That is all of the telegram I care to read.

Mr. President, Mr. Stone was there; the matter was discussed with him; he was perfectly familiar with this case; the record was given to him of the proceedings in Delaware. He went over those records; he was bound to have done so or he would not have understood the case at all, and could not have argued it before the Supreme Court. My contention is that when he did go over the record and found that this American citizen had been deprived of his rights he ought to have gone to the Morgan heirs and said to them, "Now, let use see if we can not proceed in some other way. This is really an outrage; this kind of procedure ought not to obtain. Let us withdraw this suit; let us go back and proceed against him in another way and let him come in and be heard. If we have not the facts to sustain our case, for God's sake let us abandon it."

That is the kind of material a Supreme Court judge ought to be made of, but a lawyer who thinks enough of his client's cause to ask the Supreme Court to hold a judgment that is fundamentally wrong to be right is not the kind of material out of which to make a just judge—a Supreme Court judge for life.

What is due process of law? A book in the Library of the Senate entitled "Judicial and Statutory Definitions of Words and Phrases" has this to say about due process of law—and I ask Senators to listen to this and see if they think Colonel Ownbey had due process of law—

> The constitutional guaranty of due process of law prohibits every arbitrary interference with the property of a person, and protects every person in the possession and the enjoyment and disposition of his property.

Was Colonel Ownbey permitted to possess his property? No; they took it from him. Was he permitted to enjoy it? No; they snatched it out of his grasp. Was he permitted to dispose of it, as he had a right to do since he had acquired it? No; they disposed of it in his presence when he was offering testimony to show that they had no ground upon which to proceed against him.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. I yield for a question.

Mr. CARAWAY. I was just going to suggest that that question was presented to the Supreme Court of the United States, and they decided that the Delaware statute was constitutional. What has the Senator to say about that?

Mr. HEFLIN. Mr. President, I was satisfied that some Senator, some astute and splendid lawyer, would ask me that question. My answer to it is if there are judges already on the bench who hold such a view of the Constitution, for God's sake let us not put another one of the same kind on the bench. I say that in answer to the Senator.

Mr. CARAWAY. Let me ask the Senator another question. If his activities in the case referred to render Mr. Stone unfit to serve on the bench, then ought the others who recognized the constitutionality of the Delaware statute to be impeached?

Mr. HEFLIN. I would not go quite that far, but I will tell my friend that if I were President I would not hesitate to accept their resignations. [Laughter on the floor and in the galleries.]

The PRESIDING OFFICER. The Chair must admonish the galleries that the rules of the Senate do not permit any manifestations of approval or disapproval.

Mr. HEFLIN. O Mr. President, two wrongs never make one right. I am urging now that a different course be pursued. If there were judges on the bench in that particular instance for any cause who failed to interpret the Constitution properly, it should cause me to be more alert at my post here to see to it that another one of that kind does not put on the ermine of the highest court in the country. Of course, I may be offending some Senators now by pleading at length the cause of a plain American citizen and inviting attention to Mr. Stone's fitness or unfitness for a place on the Supreme Court bench.

Mr. President, I should like to try this case anywhere in the country before an audience of American men and women, for they would not be influenced by technicalities. I should like to have their judgment on this case and not upon cobweb technicalities and fine-spun sophistry. Many a man has gone down to his grave, broken hearted and a pauper, because of precedents, which some distinguished lawyer once said are frequently merely errors grown old. That is what the court did. They decided in accordance with decisions in some previous cases, in which some other courts had been wrong; and so Colonel Ownbey's property was taken from him. You ask a man, "Did they take your property from you?" "Yes, sir." "Just robbed you outright?" "Yes, sir." "Threw you down on the roadside and took everything you had?" "Yes, sir." And somebody else comes up and says, "Well, what right has he got to complain; 15 other men were robbed on the same day in like manner? He ought to take his medicine. Other people have been robbed, and I can show it. Bill Jones was robbed once just like that a year ago; so why do you complain, you grouchy wretch? Go!" [Laughter.]

Mr. President, I am one of those old-fashioned individuals who believe that the Supreme Court is a part of the Government of the United States and belongs to the people of this Nation. I still hold that view, and I pray God that I shall never change it. A Supreme Court judge is a human being, and I have a chance to vote on the confirmation of one whom the President has nominated for that position. He can not go on that bench until Senators say by their votes, "In spite of this record of yours, in spite of this dangerous, deadly construction of the Constitution of yours, I am going to vote for you."

Mr. President, in this connection I want to say this:

The Judiciary Committee ought not to be composed entirely of lawyers. Why should it be? The Supreme Court judges are not the judges of lawyers only; but the Judiciary Committee, composed only of lawyers, sit in judgment upon every man who constitutes the Federal judiciary. The people are involved. It is their Government; their rights are at stake; and why should they not have a right to say who shall come through the Judiciary Committee duly O. K'd for a place on the Supreme Court bench.

Of course, I knew I was going to encounter the opposition of technical lawyers from the Judiciary Committee. That is quite natural. That is how I came to think of this very subject that I am discussing right now. Why should we not have somebody else on that committee besides lawyers who may have to appear before the Supreme Court judge whose nomination they feel they must sanction? Why not? We are all human. Thank God, there is a place where we can go into these things fully! They may not permit them to be heard in some courts because of a statute which had its origin under George I of England, employed in a few of the colonies in the days long ago, applied only to the city of London in England, repealed in Great Britain more than 40 years ago, but hidden away and resorted to in this particular instance when it seemed that none of the lawyers up there except the Morgan lawyers knew how to handle this statute at all.

I wonder if they said, "I know where we can take Colonel Ownbey and tie his hands and seal his lips."

Listen, Senators:

What did they do in the case in Colorado? What? You proceeded against Ownbey in the district Federal court.

"Yes. He won the suit."

"Then what? You appealed to the circuit court of appeals out there. Were both sides heard?"

"Oh, yes."

"Was there due process of law?"

"Sure."

"How did the case go?"

"Ownbey won it."

"What did they say?"

"They said the Morgan heirs owed him $53,000."

"Sh-h-h-h-h! Watch us go to Delaware, and we will get him where we can operate on him properly." [Laughter.]

They came over there and said: "Proceed under the old custom of London, born under the rule of a king in the mother country; this custom dead over there nearly half a century. Dig it out, shake its graveclothes off, proceed against this citizen, and shut his mouth. When you fix his bond at $200,000 his lips are sealed, his lawyers are silent, and you have it your own way."

Oh, Senators, God forbid that such an occurrence shall ever happen again! If my fight here shall only serve the purpose to make trial judges and Supreme Court judges stop and investigate just a little, to make them remember that this Government was made for the citizen, that the whole end and aim of constitutional government was the welfare of the citizen, my fight will not have been made in vain. We said in this Constitution that we established it for the purpose of establishing justice and securing the blessings of liberty. Did Colonel Ownbey have that principle meted out to him? Was justice done in that court room? No! No conscientious man can say that justice was done. Did he enjoy the blessings of liberty sitting in that court room? No. Did he have due process of law? No.

Mr. President, let us see. Here is another place in this law on "due process":

That the Constitution is the "law of the land" in the sense that no act of either department of the Government which violates its provisions or exceeds its powers can be enforced to deprive the citizen of his life, liberty, or property is a fundamental truth. To deny it is to assert—

Listen, Senators—

To deny it is to assert that constitutional government is a failure and liberty regulated by law has no abiding place in our political system.

Did you give justice to Colonel Ownbey? No. If I can familiarize every citizen of this country with this particular case I will have rendered a service to my country.

Oh, Mr. President, I know and it pains me to feel that in the eyes of some this case regarding one citizen is a small matter. Colonel Ownbey has not anything left. He is old now. His property has been taken from him. He sheds tears when he tells about how the earnings of a lifetime were swept away by a judgment of a court proceeding under an old statute, the custom of London. He has been robbed. He has been deprived of all that he had. And, Senators, he has not been heard yet; and the lawyer who made the last speech, who had the last say, who urged with his power and his eloquence the Supreme Court judges to sustain the judgment of the lower court in Delaware, was Harlan F. Stone, now coming in this direction, seeking to put on the ermine of the highest court in all the world.

What did one of our Presidents say about our duty, Mr. President? Listen to this. It should sound like a trumpet in the ears of all of us who have been sent here to safeguard American institutions:

The abandonment of our country's watch towers by those who should be on guard and the slumber of the sentinels who should never sleep directly invite the stealthy approach, the pillage, and the loot of selfishness and greed.

Grover Cleveland said that.

Are we asleep? Are we wide-awake sentinels? Are we remembering the people out yonder who must submit their causes to the courts? Are we caring for them? Are we daring—we who create judges on this bench—to speak our views regarding the people and their rights under the Constitution? I do not think we are guilty of any serious offense if we dare to do that, Mr. President.

Again, speaking of due process of law:

But it cuts deeper than this. The law of the land, applying to all persons impartially, might not afford some of the rights which this clause of the Constitution grants and secures to the citizen and compels the State to afford. If, for instance, the State should deprive a person of the benefit of counsel, it would not be due process of law.

What about that, Senators? That is the law. That is a fair and proper interpretation of the Constitution, the fifth and fourteenth amendments, under which the citizen must have his rights protected. It says that the court that deprives a defendant, a citizen, of counsel is not affording due process of law; and yet Mr. Stone urged upon the Supreme Court that it was right and proper, that what was done in the court below was right and proper, and that the Constitution sanctioned that conduct. That is my reason for saying he ought not to go upon the Supreme Court bench.

What else, Mr. President? The other day I quoted what was said about the Supreme Court by Charles Carroll, of Carrollton, one who signed the Declaration of Independence. I want to repeat it:

I consider the Supreme Court of the United States as the strongest guardian of the powers of Congress and the rights of the people.

What am I doing here to-day? I am fighting to preserve the rights of the people. I am condemning a course which denied a citizen his rights. I am denouncing a procedure which took his property without due process of law.

What else? Hon. Horace Binney, of Philadelphia, said this about it in the years long gone:

The Supreme Court judge in administering the law is the representative of the abstract justice of the people.

Was there any justice in the treatment accorded to Colonel Ownbey? Would the people, if the facts were submitted to them, indorse it in a single State in the Union? Then, if that is true, you who vote to confirm him are running counter to a judgment that would be against your course if the people knew the truth and had the opportunity to speak.

Here is what Chief Justice Marshall said:

No other court compares with our Supreme Court in jurisdiction, power, or independence. The peace, the prosperity, and the very existence of the Union are vested in the hands of our Supreme Court judges.

Senators, ought we not to be particular, very watchful, and exceedingly careful as to whom we elevate to places on that bench? I used these quotations in my speech of last week. They are worth repeating.

I am reminded here to mention another matter in regard to Mr. Stone.

I have a right as a Senator to ask what this public servant has done with the cases that were ready to be proceeded against when he became Attorney General? What has he done with the United Gas Improvement Co.? He wrote a letter last July stating that he would look into it and proceed as he thought appropriate. He has done nothing. We have had no report from him, and yet he is about to be rewarded by promotion to a place on the Supreme Court Bench.

"Come in, Mr. Stotesbury, You are a partner in this Morgan concern, the United Gas Improvement Co.?"

"Yes, sir."

"You collected campaign funds for the Coolidge campaign?"

"Yes, sir."

"How much did you give yourself?"

"Five thousand dollars."

"How much did you collect?"

"Fifty thousand dollars in all."

"You are very much interested, are you, Mr. Stotesbury?"

"Yes, sir. I wanted to raise what was necessary"—that in substance.

They asked him some more questions, but I understand that the chairman of the committee ruled that they were not relevant; that they were out of order. I have always been curious to know why that committee never reported. Being of an inquiring mind, that is my attitude. Why has not that committee ever reported? Why was it improper to require Mr. Stotesbury to answer? We ask other witnesses everything imaginable under the sun. Why hold that it is not proper to ask him or anybody else appearing where the rights of the people are at stake and the Government itself is involved?

What about the Bethlehem Shipping Co. or Steel Co.? I do not know what the exact name of that company is.

"Mr. Stone, tell us about it. They owe the Government $13,000,000. They have been owing it since the war. None of you have proceeded against them. Why is it that you do not make them pay that money to help reduce the burden on the taxpayers of America?"

Mr. President, I even heard that the reason the complaint had not been filed against them was that it was not satisfactory to the shipping company's lawyers. They wanted to make some changes in it and strike out certain portions of it, and when that was done and all things arranged, then the Government would be permitted to proceed against this concern, which owes it this money.

I would to God they had shown Colonel Ownbey that consideration. They even let the lawyers of Schwab see the complaint before they filed it, and agreed, I am told, to strike out certain things in it. If anybody here denies that let him rise up and say so. If any Senator can authoritatively speak for the Republican Attorney General and deny that, let him rise in his place and do it. I have been told that the complaint was changed, that the defendants objected to its language, and that when the changes are finally made, suit may be brought. I am

asking why such consideration was not shown to Colonel Ownbey. He objected to what they were doing. They said "Sit down." He said, "I have the proof." They said, "Shut your mouth." He said, "You are taking my property." They said to a bailiff, "Take him out." But not so with the steel company. Oh, no. They said, "Come in, gentleman, have a seat. Put your gloves on the desk and your hat on the rack and your feet on the desk, if you choose." That is a different situation. I am pleading for a common standard of procedure. I want the mighty rich proceeded against with all the ability, courage, and promptness that I would expect you to employ against the humblest citizen in the country.

Am I offending friends of the administration when I say that? Have we reached the time when it is not proper for Senators to thus speak for the people of the United States, whose Government this is? Yet, Senators, you are going to vote to put Mr. Stone on the bench with this record behind him, with these cases unproceeded with, with all this work lying behind him untouched. Nothing has been done with these indictments, and the suits to which I have referred have not been instituted.

Has the Attorney General's office become a stepping stone to the Supreme Court bench? Did Mr. Stone withdraw his connection with Satterlee, Canfield & Stone just a few months before he was made Attorney General for the purpose of being out of that firm, Morgan's lawyers, when he was appointed Attorney General? Was it the plan originally to put him into the Attorney General's office, let him serve for a year, and then promote him to the Supreme Court Bench? I make the prediction now, that if he is confirmed as a justice, and a vacancy occurs in the chief justiceship, he will be Chief Justice inside of four years.

I think I know political trails when I see them. This man has been destined for appointment to the Supreme Court since the day he withdrew membership from the Morgan lawyers' firm, since the day he went into the Attorney General's office. Now he is appointed, and it is up to us to say whether or not we will confirm the nomination.

Mr. President, there were other witnesses who wanted to be heard in the Ownbey case and in other matters, but they were not permitted to be heard by the Judiciary Committee. The Washington Star, yesterday or the day before, said:

> The Judiciary Committee to-day declined to hear James A. Ownbey, of Colorado, who made charges against Mr. Stone in regard to the handling of his case against the executors of the J. Pierpont Morgan estate. The committee also declined to hear another witness from New York in regard to the same case. The committee took the position that Mr. Ownbey had been heard fully by the subcommittee which handled the nomination of the Attorney General, and that there was no need to go into that case further.

I want to say that Mr. Ownbey had additional testimony, and he wanted to be heard about another phase of the matter, but the case was closed, and here it is, and it will soon be forever closed here.

Mr. President, I would that all our judges, and those aspiring to be judges, had the lofty conception of their duty which the judges of France had on one occasion and many of them have. Listen to this story:

Louis XI, proposing to punish his court ministers if they should refuse to publish certain new ordinances which he had made, the masters of the court being informed of the King's intentions, went to him in their robes. The King inquired their business. "Sir," answered the president, "we are come here determined to lose our lives, every one of us, rather than by our connivance permit any unjust ordinances to be made."

O Mr. President, for the spirit that inspired them on that day to walk into the presence of the King willing to die rather than see injustice, oppression, and judicial tyranny practiced upon the people of France. But listen to what the King did. Amazed at this answer, and at the constancy of the Parliament, he gave them gracious entertainment and commanded that the edict which he intended to have published should be immediately canceled in their presence, swearing that henceforth he never would make edicts that should not be just and equitable.

What is the purpose of the action contemplated here? Are you trying to make it easy for men to get on the Supreme Court bench? It ought to be made exceedingly difficult. Should we just pat them on the back and pass them through, or halt them and say, "Who comes here? What is your conception of the Constitution? What is your record as a practicing attorney? Have you dealt justly? Have you been honorable? Have you, as the oath that you took required, sustained the Constitution, or have you sought to pervert it from the ends of its institution? Have you sought to have injustice done, the Constitution violated, the citizen deprived of his rights? If so, go back." That is what we ought to do.

I am afraid some people are coming to look upon the Supreme Court as a sort of political machinery or business exchange to be used to serve certain big interests in the country. I do not think it ought ever to be used for that purpose.

Mr. President, I hold in my hand a memorandum of a case where William Penn was tried before a recorder, the lord mayor who represented the crown in the colonial days. He had been out preaching. They would not let him preach in a church, so he preached in a grove. They haled him before this court, and he came in with his hat on, as was the custom of the Quakers. One of the court officials objected to him having his hat on, and took his hat off. The recorder of the court said, "Put his hat back on," and they put it back on his head. Penn stood, and the recorder asked him what he meant when he came in there with his hat on. He said, "I did not have it on. I was entering, and the officer took it off and you told him to put it back, so if anybody has offended, you have offended." Then, in a little while, he said, "I meant no disrespect to the court."

What do you suppose the court did? It said, "Take him over in the bail dock and assemble a jury." They picked up a jury in a moment, and the recorder told them to retire to a room upstairs and bring back a verdict of guilty. They went upstairs, and eight of them were inclined to convict him, but four refused, and the four said, "We find him guilty of preaching in the grove at Grace Church." The recorder was angry. He said, "Did you not hear my instructions? Go back and obey the court, or you will be punished." When they started to go back, William Penn stood up and said, "Let me appeal to my jury. Remember that you are Englishmen. Beware of your rights. Mine are being arbitrarily taken away from me. I have not been heard. Let me be heard. That is a right an Englishman has, and I appeal to you jurymen." They went up. They came back with a verdict of not guilty, except of preaching in the grove, and the judge punished them. He put them in a room and kept them that night and the next day without water or food or tobacco, the story goes. When they came down again, they stood by their verdict that he was not guilty.

William Penn, by his appeal to the fairness of that jury who would not obey the edict of a tyrant on the bench, made his cry heard. They said, "It is wrong. We are not going to permit him to be deprived of his liberty and an injustice done without his being heard"; and they would not permit it. Would to God that the judge who denied Colonel Ownbey the right to be heard could have had that spirit.

Mr. President, I have here the record of a case which was brought to the attention of Frederick the Great. A miller by the name of John Michael Arnold bought the lease of a mill belonging to the estate of Count Schmettau, situated in the New Marche of Brandenburgh, near the city of Custrin. This mill, at the time when Arnold bought the lease of it, was plentifully supplied with water from a rivulet which emptied itself into the river water. During six years Arnold made several improvements in the mill, and paid the rent regularly; but at the end of that period the proprietor, resolving to enlarge a fish pond contiguous to his seat, caused a canal to be cut from the river, by which means the stream was lessened, and the quantity of water so much diminished that the mill could only work during two or three weeks in the spring and about as many weeks in the autumn.

What occurred? The miller remonstrated, but in vain, and when he sought redress in a court of judicature at Custrin, his lord, being a man of fortune and influence, found means to frustrate his endeavor to obtain justice. Under these circumstances the miller could no longer procure his livelihood and pay his rent. The miller's lease, utensils, goods, and chattels were seized to pay the arrears of rent and the expenses of a most iniquitous lawsuit commenced by the proprietor, and thus poor Arnold and his family were reduced to want and wretchedness.

Let us see what occurred with Frederick the Great. A flagrant injustice like this could not pass unnoticed by some friends to humanity, who well knew the benevolent and equitable intentions of their sovereign, Frederick the Great. They advised and assisted the miller to lay his case before the King, who, struck with the simplicity of the narrative, and the injustice that had apparently been committed, resolved to inquire minutely into the affair, and if the miller's assertions were true to punish in an exemplary manner the authors and promoters of such an unjust sentence.

The most rigid inquiries were immediately instituted, and His Majesty was soon convinced that the sentence against the miller was an act of the most singular injustice and oppression. He then ordered his high chancellor, Baron Furst, and the three counselors who had signed the sentence into his cabinet, and on their arrival he put the following questions to them—

Watch how closely it tracks this case—

1. When a lord takes from a peasant who rents a piece of ground under him his wagon, horse, plow, and other utensils by which he earns his living, and is thereby prevented from paying his rent, can a sentence of distress in justice be pronounced against that peasant?

They all answered in the negative. Then old Frederick the Great said:

2. Can a like sentence be pronounced upon a miller for nonpayment of rent for a mill after the water which used to turn his mill is willfully taken from him by the proprietor of his mill?

They also answered this question in the negative.

"Then," said the King, "you have yourselves acknowledged the injustice you have committed," and he immediately stated the case of the miller, and ordered the sentence, with their respective signatures, to be laid before him. The King ordered his private secretary to read the resolutions which he had dictated to him and signed, in which he declared the sentence against the miller to be an act of singular injustice and one which he was determined to punish. "For," said His Majesty, "the judges are to consider that the meanest peasant—nay, even a beggar—is a man as well as the King, and consequently equally entitled to impartial justice, as in the presence of justice all are equal, whether it be a prince who brings a complaint against a peasant or a peasant who prefers one against a prince; in similar cases justice should act uniformly without any respect to rank or person. This ought to be an universal rule for the conduct of judges, for an unjust magistrate or a court of law guilty of wrong and subservient to oppression is more dangerous than a band of robbers, against whom any man may be on his guard; but bad men entrusted with authority who, under the cloak of justice, practice their iniquities are not so easily guarded against; they are the worst of villians and deserve double punishment."

The King then dismissed his chancellor, and commanded the three counselors who with him had signed the iniquitous sentence to be committed to prison. The president, judges, and counselors at Custrin were also arrested, and a commission appointed to proceed against them according to law. And in consideration of the injustice, the King presented the miller, Arnold, with the sum of $1,506. He also ordered that a sum equal to that produced by the sale of the miller's effects be stopped and paid to him from the salaries due to the respective judges, etc., who had any share in the unjust sentence; and, moreover, condemned the proprietor of the mill to reimburse to the miller all the rent he had received from the time when he first opened the canal.

O Mr. President, what was the reason the miller could not pay the rent? They had cut off the water he had used to turn the wheel, and turned it into a lake for the pleasure of the proprietor. The water ceased to come, the mill ceased to run. The miller had nothing with which to work. The means to earn his rent had been taken from him, and he was deprived of it by action of the proprietor.

What is the situation with regard to Colonel Ownbey? He came into court prepared to deny that there was any justice in the claim against him, but that they had put a $200,000 bond in front of him, and all of his effects were tied up in court by the Morgan heirs, and he could not make the bond with which to appear in court, and was, therefore, denied the right to testify and his lawyers the right to plead. What ought to be done? There ought to be some remedy. This man has lost his property. He has been deprived of his rights. There is no doubt about it. This case is familiar to everybody who reads the newspapers. An outrage has been done a splendid American citizen. He has not yet been heard, and all that he accumulated has been taken from him and taken from him when he had the proof to combat the claim, but was not allowed to offer it. The last word spoken, as I have said, to the Supreme Court was said by Harlan F. Stone in demanding that the judgment of the lower court be sustained. Mr. President, I discussed this case a few days ago more consecutively than I have to-day. I have had a number of letters from people in the country, lawyers among others, who indorse my conclusion and commend me for the course that I have pursued, who express the opinion that this is one of the worst cases ever brought to their attention. Yet I know what is going to happen here just as if it had already happened, but I want a record vote. I want the RECORD to show who votes to elect Mr. Stone to a place on the Supreme Court bench for life and who votes against him.

If I am the only one who shall vote against him, I shall feel justified in taking that stand, knowing, as I do, that right and truth and justice, orderly process, and the Constitution, and the rights of the citizen are on my side.

The procedure in Delaware violates the principles of law laid down by Moses, violates the law given by the Almighty through the hand of the inspired writer when He said:

They shall build houses and inhabit them. They shall plant vineyards and eat the fruit of them. They shall not build and another inhabit. They shall not plant and another eat.

Colonel Ownbey built, but another inhabited. Colonel Ownbey planted, but the Morgan heirs ate, and the Almighty said that should not be. We provide courts of justice to prevent it being done, but into the court with his hands tied, fresh from another court where both sides were heard, he came with a judgment of $53,000 against the Morgans into a court where he is gagged and tied and not permitted to plead; not permitted to testify, where the agent of the Morgan interests, the only witness in the case, destroyed his rights and took his property without due process of law.

There is the case, Senators. I hope I will not offend any of those who do not agree with me if I read the Scripture in this presence:

But if a man be just, and do that which is lawful and right * * * and hath executed true judgment between man and man * * * he shall surely live.

Mr. President, was this true judgment between man and man? Not at all. Colonel Ownbey was not heard at all. What does the Bible say about that?

Exodus, twenty-second chapter, ninth verse. Listen, Senators. This is the law inspired by the Almighty himself:

The cause of both parties shall come before the judges.

This man's cause has not been before the judges. They refused to hear him because he could not make a $200,000 bond.

Mr. President, if a highwayman had met Colonel Ownbey on the road and had tied his hands and gagged him and taken from him $41,000 worth of shares in the Morgan Co.—that is what they forced upon the block and sold—he would upon conviction in all probability serve the balance of his days in the penitentiary.

There is not a jury on earth that would not convict him. But here is a man who was brought into court, lips sealed, lawyers silenced and not permitted to plead, no testimony adduced, judgment rendered, property taken, and the old man kicked out, ruined in his old age. Is that justice between man and man? Is that true judgment? No, Mr. President, that is not justice between man and man according to the Bible. It is not true judgment according to the Scripture. It is not fair and right under the laws and the Constitution. But Senators are going to vote to put a man on the bench of the Supreme Court who has held there was nothing reprehensible, unfair, or unrighteous done that citizen in the courts below.

I know that some Senators do not like to hear this thing discussed so frankly, but I think more of that court and its proper preservation than I do of the conception that any Senator may have about secrecy regarding the promotion of a man to the Supreme Court bench. I shall hereafter oppose the elevation of any man to the Supreme Court behind closed doors. I want the Senate to fix the rule for open executive sessions, so that whoever aspires to that lofty tribunal must come with clean hand and a good record, and say, "Let the world hear my record discussed. I have nothing to hide. Accept me or reject me. It has been my ambition to go upon the bench, which I regard as the highest tribunal in all the world. I want to be accepted or rejected in the open." That is what he ought to do. But some Senators do not want to do that. They want to sit behind closed doors and shut out the public. They want what transpires to take place in star chamber proceedings. The country never knows what is said there.

Mr. President, it will be a sad and sorry day when Senators for any reason think more of certain people and certain interests than they do of the preservation of that bench in all its purity and integrity. A Senator ought to stand here with his eyes open. He ought to be permitted to look into the records of those who are aspiring to a place on that bench; the people whose Government this is ought to have the right to sit in these galleries; the correspondents who represent the press of the country ought to be permitted to tell what has occurred. Why not? Whose Government is it? Why should we shut out the public? I submit to Senators that any man whose record is not so clean and white and fair that it can not stand the searching light of open discussion and country-wide publicity has no place on the Supreme Court Bench.

Mr. President, what this Senate and the country needs is an old-fashioned revival of American patriotism. Just as sure as

you live and I live and God reigns low and groveling commercialism and materialism are grappling at the throat of this Republic. There never was a time in our history when money or great wealth figured so much as it did in the last presidential election. Those representing the party in power went up and down the land with a megaphone, as it were, crying, "Money, money money"; and they got it. If the truth were known, it was the most corrupt election ever held. I repeat, this country needs to be aroused. Whither are we drifting? Are we deserting the standards of right and justice, aye, and the ideals that the fathers and the mothers of the past have so nobly transmitted to us? Are we forgetting our duty to ourselves and our duty to our country in our efforts to crawl and toady to special interests which take such an interest in elections that they literally frighten to death every weak-kneed Senator and Representative in Congress? I do not say that we have any spineless and weak-kneed Senators and Representatives at all, but if we did have. [Laughter.]

Now, Mr. President, we sometimes hear public men—that is as close as I will identify them with this Chamber—saying, "What do you want to do this for? You know you can not win. It is already fixed; they are going to put it over." My answer is, What difference does it make if I am right? I know you are going to put this over; I was satisfied of it in the outset; but I have a duty to perform, and a conscience to satisfy, and my country's Constitution to support and protect.

Mr. President, that is why I have spoken at some length to-day upon this subject. Let me again remind Senators of the Scriptures, if that is permissible here. The treatment of old Colonel Ownbey does not comport very well with the Scriptures, and it does not square with the Constitution of the United States. The rights of the citizen in this Ownbey case have been trampled under foot. The influential Morgans triumphed just as the German nobleman triumphed against Arnold, the miller, in Germany. Just as he broke the miller and destroyed his power to pay his rent and make a living, and left him destitute with a wife and children, this influential concern proceeded in a court in America, where a citizen was denied counsel, was denied the right to be heard. It is one of the most outrageous cases that ever came to my attention, Mr. President.

The Master said, "It were better for him that a millstone were hanged about his neck and he be cast into the sea, than that he should offend one of these little ones." And in another place the Master said, "Suffer the little children to come unto Me, and forbid them not, for of such is the kingdom of God." That is the religion of Jesus Christ, the Saviour of the world. It ought not to be an offense for a Senator, merely an humble Senator, to rise here in his place while there is yet time and plead for the right of a citizen who has been outraged, to bring his case to this judgment bar, to those who in a little while are about to vote as to whether they shall confirm Mr. Stone to a place on the Supreme Court bench for life, for that is what the action of the Senate means. When Senators vote for his confirmation to-day they are voting to seat him on the Supreme Court Bench for life—there can be no mistake about that—and they are doing it in the face of the open record that a citizen, an upright, valuable American citizen, has been deprived of his rights and of his property without due process of law under the Constitution. When Senators vote to seat him on the bench they vote with the knowledge that he did this thing, for he fully indorsed the action and said the lower court did right in doing what it did.

I can see this old man now—Colonel Ownbey—he who had dared to go into that western country in the early days as a pioneer, going out, delving into the mines, bringing out their rich resources to bless and benefit mankind. I can see him on that big horse, Charger, riding over the Wootton property, making money for himself and making money for the Morgans. I can see him, one of the brave spirits who carried the banner of civilization to Colorado and the West, brought away, drawn across the country, haled into a Delaware court, with his property all tied up out yonder and the writ issued against him demanding a $200,000 bond. He said, "I can not supply such a bond, but I have got the truth; I can answer the charges, and you will dismiss the writ; there is no foundation for it; give me a chance to be heard."

"I have won out yonder. Will you not hear me here?" The answer was "Not unless you put up a $200,000 bond." But he says you did not require them to make a bond when they proceeded against my property and all that I possess.

Senators, the average citizen can understand what I am talking about; there will probably be technical arguments made when I am through. There is no getting away from the bed-rock principle in this case. This man was brought from Colorado, was proceeded against, was never heard, his property was taken, and broken in his old age he has not been heard yet. Harlan F. Stone, in the Supreme Court where he now seeks to become a judge, made the last speech that sounded the death knell of his rights.

The Book of Judges—I hope I do not weary the champions of Mr. Stone by my references to the Scripture, and I very much desire that some Republican shall undertake to answer me—says:

> Judges: Patriarchal seniors who administer justice.

Mr. President, am I asking too much when I ask that the law-abiding citizen who refrains from taking the law in his own hands and goes into a court and submits himself to the jurisdiction of that court shall have his rights respected? Colonel Ownbey came in response to a summons; the Delaware writ called him to answer, and when he got there and was ready to answer they declined to hear him. Am I wrong in asking that that precedent be destroyed, and in saying that such conduct is unjust, wrong, and outragious? I do not think so.

Again let us see what the Scripture says in another particular. Get your Bibles out, Senators. I do not see a Bible on the Republican side. [Laughter.] I quote from Deuteronomy, first chapter, sixteenth verse:

> And I charged your judges at that time, saying, Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him.

Did Colonel Ownbey get that kind of treatment? Did they judge between Colonel Ownbey and the Morgans? They sat in that court and proceeded with a farcical hearing for the Morgans, and them only. Colonel Ownbey was not then heard and he has never yet been heard. Was that rendering justice between these parties? Was that rendering a righteous judgment?

I want to read that again:

> Hear the causes between your brethren and judge righteously between every man and his brother, and the stranger that is with him.

Colonel Ownbey, from Colorado, was a stranger in Delaware. It is true the company was organized in Delaware, and they called upon him to answer in Delaware. His lawyer, Mr. Marshall, in his argument before the Supreme Court—here it is [exhibiting] and Mr. Stone's argument, too—said after he came they shut the door in his face and would not hear him. That is what Mr. Marshall said. Mr. Stone heard that argument, and yet after that argument had been made and all the facts reviewed in his presence he rose in his place as an attorney for the Morgans and urged the Supreme Court to stand by the action of the lower court, when he knew that this former partner of Morgan, although haled into that court, was not permitted to be heard, was deprived of his rights, and had lost his property without due process of law. He could not keep from knowing that when he read the record giving the whole history of the case. Yet, Mr. President, Mr. Stone said, "It is all right; the treatment accorded Colonel Ownbey is all right and warranted by the Constitution." There is where my objection to him arises, and it is fundamental. A man who holds that such a proceeding is right and proper, that that kind of treatment of an American citizen by a court is right and proper, has no business on the highest court in the country.

Mr. President, in conclusion I want to say that in the War of the Revolution, in the battle at Kings Mountain, in North Carolina, the ancestors of Colonel Ownbey were there. When General Ferguson dispatched a message to Cornwallis that he was intrenched on the mountain top and that all the rebels out of hell could not drive him out Colonel Ownbey's forbears, with other knights-errant of the wilderness, carrying the flag, baring their breasts to the red coats of England, scaled the jagged rocks, ascended to the mountain top, drove out Ferguson and his men, slew him, and won the day and dispatched a message to Washington that they had won the victory in the battle at Kings Mountain; that the Old North State was saved. Cornwallis surrendered immediately afterwards, and the war was over. The ancestors of this man were among those who accomplished that feat. In his veins courses the blood of men who fought at Kings Mountain. Here he is in his old age, sad and disconsolate, here in his Government, in the morning of the twentieth century, stripped of his substance by what they call forms of law, deprived of his rights in a so-called court of justice; and then he sees the final blow come in the Supreme Court when Harlan F. Stone sanctions the procedure of the lower court which deprived him of his rights and took from him the accumulations of a lifetime without due process of law.

Mr. ASHURST. Mr. President, it is necessary, first, to ascertain what influences led to the indictment of the junior Senator from Montana [Mr. WHEELER]. The Senate on March 1, 1924, adopted a resolution directing an investigation of the charges of bribery and corruption in the Department of Justice under the régime of Mr. Harry M. Daugherty. The membership of that committee was elected by the Senate, and is as follows: Senator BROOKHART, chairman; Senator JONES of Washington, Senator MOSES, Senator WHEELER, and myself.

Membership on that committee was no place for a dilettante; service on that committee required its members to receive and to strike hard blows. Some of the witnesses who testified before the committee were of good character, some were of doubtful, and some were of despicable character. Many of the witnesses aganst whom loudest complaint was made were persons who composed, in part, Mr. Daugherty's circle of close companions.

The very witness against whom Mr. Daugherty inveighed the bitterest is a p.rson with whom he broke bread in the house of a President. The person whom Mr. Daugherty by insinuations most furiously attempted to destroy was a witness who related a set of incriminating circumstances which no art could have constructed and no ingenuity could have invented.

If your committee be asked why we did not call witnesses of better character than some of those I have described, we reply that of necessity we called those witnesses with whom Attorney General Daugherty fraternized; hence such question really implies, why did Mr. Daugherty have such doubtful characters around his department?

If Mr. Daugherty had not given his confidence to birds of passage and to birds of ill omen these same birds of passage and birds of ill omen could not have been heard to caw against him later. He who fraternizes with thieves, thugs, bribe givers, and bootleggers, and all that ilk has no right to complain of their treachery.

Mr. Daugherty declined to come before the committee and explain away these damaging circumstances.

The testimony before the committee related how, when Harry M. Daugherty assumed the great office of Attorney General, an obscene and evil brood of harpies flocked about his department; and it was to such men as the Jess Smiths, the Howard Manningtons, the Jap Mumas, the Thomas Felders, the Gaston B. Meanses, the Urions, and their ilk that Mr. Daugherty's confidence and companionship were given.

The testimony before your committee disclosed the sudden and unexplained opulence of Jess Smith, who was the roommate, the messmate, and the constant companion of former Attorney General Daugherty. Jess Smith came to Washington an obscure merchant of modest fortune. He was given a desk and a room in the Department of Justice. No one could ascertain what official relation he had with the Department of Justice, but all knew him to be the "man of influence" who moved the pawns, who gave orders, and saw to it that such orders were obeyed.

The testimony adduced before the Brookhart-Wheeler committee disclosed that during Attorney General Daugherty's régime the Department of Justice connived at the illegal withdrawal and sales of liquor; it disclosed the fact that the man who took charge of the Department of Justice with modest if not small resources suddenly acquired opulence, and refused to explain to the committee in what manner his fortune was so sizably increased. The testimony disclosed that some subordinates in the Department of Justice were promoted for infidelity to the public service and others were demoted for fidelity to their duties. It laid bare in the Department of Justice the cupidity and revenge practiced under the régime of Mr. Dougherty. The testimony laid bare the itching palm of an extended official hand. It discovered that a factotum of the Department of Justice had solicited bribes; it told of the exhibition of prize-fight motion-picture films illegally transported and then exhibited for the delectation of certain officials whose duty it was to prosecute such transporting. Illegal plots, counterplots, espionage, decoys, dictographs, thousand-dollar bills, and spies were employed by Attorney General Daugherty, not only to detect and prosecute crime but were also frequently employed to shield profiteers, bribe takers, and favorites.

It was the stubborn courage and ability of Senators WHEELER and BROOKHART which exposed these iniquities and cleansed the Augean stables of the Department of Justice; hence the rage, resentment, and revenge of Mr. Daugherty and his sycophantic retainers; hence their attempt to destroy WHEELER and BROOKHART. Senator WHEELER would never have been indicted had not he possessed the courage and civic virtue to perform this important duty. The indictment was intended to and did start such a backfire on your committee that its functions were practically destroyed. The indictment was not only an indictment of WHEELER but of the committee as well.

Inasmuch as I was and still am a member of the Brookhart-Wheeler committee, the impropriety of my voting upon this nomination is said by many good lawyers to be manifest, in view of the charges made that the nominee, Attorney General Stone, as Mr. Daugherty's successor, is attempting to oppress and persecute a member of this committee.

But I can not shirk a task simply because it is embarrassing. A warrior is known by his scars.

I find no evidence showing that the nominee, Mr. Stone, has illegally attempted to oppress or to persecute the Senator from Montana [Mr. WHEELER], hence it is entirely consistent with my duty to vote to confirm his nomination.

Senator WHEELER may be acquitted; he may be convicted; he may be immured in a dungeon; if the latter be his fate, I trust and believe he will meet that fate with the same serene courage he exhibited when he purified the people's Temple of Justice.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. ASHURST and Mr. HARRISON called for the yeas and nays, and they were ordered.

Mr. McKELLAR. Mr. President, the Ownbey case does not trouble me in this matter. The courts, including the Supreme Court of the United States, have passed upon the rights of the litigants in that case and have decided in favor of the contention of Mr. Stone. I regard that as final. If Mr. Stone is ineligible on account of what was done in that case, then there are at least six judges on that bench who are just as ineligible to sit further as Mr. Stone is to be appointed there. I am inclined to differ with the majority of the court in their decision in that cause. It seems to me the majority reached a harsh conclusion; but they have decided the case and they had jurisdiction and all the facts before them, and I have not had such facts, and I bow to their decision.

Mr. President, I regard it as very unfortunate that Mr. Stone has taken the course in the Wheeler case disclosed by the evidence. Mr. WHEELER not only prosecuted Mr. Daugherty, Mr. Stone's predecessor in office, but virtually he prosecuted the entire Department of Justice. Many of the officers of that department are the same under Mr. Stone as they were under Mr. Daugherty. I can not believe that these officials under the Daugherty régime have misled Mr. Stone in the position that he has taken about the Wheeler prosecution, and yet it is unfortunate, in my judgment, that Mr. Stone has taken this position.

The real trouble to me in this case is, Mr. President, the second Wheeler indictment. It is quite an unusual course for an Attorney General to pursue. It is quite an unusual thing to indict a man in his own home State and then, apparently with about substantially the same facts propose to indict him again in the District of Columbia, 2,500 miles from his home. It is a most unusual proceeding. Twenty-five hundred miles is a long way to bring a defendant to trial, and a long and costly way to make him bring his witnesses. Such a course is contrary to one of our own cherished contentions in the Declaration of Independence. It is contrary to one of our best established principles of justice. Trial by jury of the vicinage is a principle dear to the heart of every liberty-loving American. Mr. Stone is making a mistake in using his discretion and seeking Mr. WHEELER'S indictment here in the District. However, I can not think it is anything else but an honest mistake. It is a mistake that I hope, upon reflection, he will correct. I understand from the evidence that such a proceeding is now under way. In the very nature of things, the Attorney General can not give out the facts before the grand jury has heard them, nor can he give them out before the trial of the case before a trial jury, so it is impossible for us to know what the facts are at this time. I admit it puts the Attorney General in an awkward position. Still, Mr. President, the Attorney General is the chief law officer of the land. He bears an excellent reputation, and I think we must assume that he is acting within the bounds of his duty in taking this apparently unusual course in this case. I sincerely hope when the facts do come out they will justify this unusual course. Should he be acting with improper motives, either political or to vent the spleen of those under him, or otherwise, of course he would be unworthy to sit on any bench and would merit the contempt and opprobrium of all good citizens and no doubt would be subject to impeachment. I can not believe that the Attorney General is acting upon any such motives. In the absence, therefore, of facts showing a violation of his duty—and no such facts have been adduced—I believe Mr. Stone should be confirmed and I shall vote for his confirmation.

Mr. NORRIS. Mr. President, several days ago, when we were considering the treaty relating to the Isle of Pines, I listened to a very forceful and logical argument made by the Senator from Pennsylvania [Mr. PEPPER]. I am satisfied that that address had on other Senators, just as it did on me, a wonderful influence. It seemed to me it was logical in every way; and, whether or not you reach the same conclusion that he did, you must concede that he presented the question in a light that had in it much logic, much reason, and had not been considered in the same way by any other Senator.

The Senator from Pennsylvania demonstrated, I think, that if you took up the question of the Isle of Pines from one viewpoint you must necessarily reach a certain conclusion; that if you approached the question from another point of view you reached just the opposite conclusion. He showed that the decision on an important and vital question where the question is close, where the question is debatable, where there is opportunity for honest difference of opinion, may be entirely determined by the viewpoint of the man who must decide the question.

Mr. President, I desire to apply that reasoning and that logic to the judges on the bench, and particularly to the case of Mr. Stone, who has been nominated for a place on the Supreme Court of the United States.

Cases continually coming before that court, presenting all kinds of questions, necessarily as a rule close questions, where there are two sides, where you can honestly go in either direction—which is the case in most of the litigation—may be determined by the viewpoint of the judge. The man who has spent all his life in an atmosphere of big business, of corporations, of monopolies and trusts, will be unconsciously, perhaps, and honestly, without a doubt, imbued with ideas that are part of the man, part of the make-up of the man; and it is not necessary to charge him with a lack of ability, or with dishonesty, or with a lack of conscientiousness, in order to see that his decisions will lean in the direction of the influences and the atmosphere under which he has lived and grown up. If we fill the bench and high executive offices with men who have the viewpoint of special interests and the corporations, we will soon have put the common citizen under the yoke of monopoly, and will have put our Government in the hands of trusts and corporations.

The man who grows up as a lawyer and does business for corporations and big business is apt to have that viewpoint. The man who devotes a good share of his life as attorney for such institutions and does not come into contact with clients who have felt the sting of poverty or who have had to toil in order to live is apt to have, and ordinarily will have, a different viewpoint from the man who has had a different kind of experience.

After all, the viewpoint that takes possession of the human being and becomes a part of his very life, and if he is intrusted with the decision of questions where the ordinary citizen must come in contact with those who have power of wealth and political influence he is capable, while acting conscientiously and honestly, of more injury to humanity than the man who lacks some of his ability. The viewpoint of the individual goes with him through life. The viewpoint is part of the man, is part of the judge; and the judge does not lose his individuality if he has a certain viewpoint as a citizen, but maintains it after he is on the bench.

Why do we have 5 to 4 decisions, and why is it that the five are usually the same and the four are usually the same? If you will examine, you will find that it is the viewpoint of the individual that they have carried with them, without charging any dishonesty, without charging any intention to do wrong to either side. After all, the close cases, the difficult cases in an appellate court, are often determined by human nature, by the viewpoint of the individual. That is a part of the man and remains as a part of the judge.

A great American poet has expressed in beautiful language the hope that this viewpoint might even survive death itself and go on in its human way through all eternity. When writing of the change that is brought about by death, he said:

> Will death change me so
> That I shall sit among the lazy saints,
> Turning a deaf ear to the sore complaints
> Of souls that suffer?
> Methinks—God pardon if the thought be sin—
> That a world of pain were better, if therein
> One's heart might still be human, and desires
> Of human pity drop upon its fires
> Some cooling tears.

Mr. President, if we were only called upon to decide this one case, I doubt whether I would have ventured to say a word. I probably would have voted for confirmation. But I can not close my eyes to what I believe to be the truth—that going back at least as far as the last election I have been unable to find a single appointee selected for a high executive office in this country except he had the viewpoint of monopoly and of the trust. The people of this country, by an overwhelming majority, refrained from putting an attorney of Morgan & Co. in the White House. They preferred the Vermont farmer. They did not know then, however, that instead of putting in the White House for four years an Executive who represented the Morgan interests, their action meant putting on the Supreme Bench for life another attorney of Morgan & Co.—Morgan & Co., the greatest financial interests in our country; Morgan & Co., that reach out into every hamlet and to every locality in the United States, and have their places of operation all over the civilized world. They did not know, Mr. President, that Mr. Warren, tainted with the Sugar Trust influence, was going to be appointed Attorney General. They did not know that a railroad man, Mr. Woodlock, with his pen still wet and dripping from writing editorials in the Wall Street Journal was going to be put on the Interstate Commerce Commission. They did not know then that one of the greatest reactionaries—and incidentally a fine man, as far as I know—Mr. Humphrey, was going to be put on the Federal Trade Commission—all honorable men, I concede, all able men, but all having the viewpoint of rich men, all men who see the things of this life through the glasses of corporations; all men who see the activities in their vision by the light reflected from the glittering mirrors of luxury and monopoly; all great men, all honest, all men who perhaps will do what in their hearts they believe to be right, but their viewpoint will always carry them away from the man who toils and the man who suffers.

With Morgan & Co.'s attorney on the Supreme Bench, with the Sugar Trust running the Attorney General's office, with the railroads themselves operating the Interstate Commerce Commission, with the greatest reactionary of the country sitting on the Federal Trade Commission, tell me—O God, tell me!—where the toiling millions of the honest, common people of this country are going to be protected in their rights as against big business.

Mr. BORAH. Mr. President, I promise my colleagues to be brief. I am anxious myself to have a vote.

The able Senator from Montana [Mr. WALSH] can well take care of himself in a controversy of this kind, but so much has been said in the way of criticism that I feel constrained to say that I think his conduct in this matter has been above reproach.

It has been intimated that the senior Senator from Montana has been actuated by two motives particularly, one that of a partisan feeling. It may have passed from the observation of the Senate and the country that the Senator from Montana was upon a subcommittee who had to do with the investigation of the Department of Justice when a distinguished Democrat was at the head of that department. I was a member of the subcommittee, and I recall the searching, thorough, courageous investigation which the Senator from Montana made as a member of that committee. I recall the perfectly magnificent report which he wrote after the investigation was made. I think he has been actuated in this matter by the same motives and guided by the same principles which controlled him in that matter, to wit, that he felt he was discharging a public duty in pursuing the course which he has pursued.

I think we are sometimes disregardful of the real value of the service which may be rendered by our associates during the time in which the service is being rendered. The able Senator from Montana has rendered a service to the public during the last year which would be very difficult to overestimate, and in all probability a large portion of the criticism which has come to him has come to him by reason of the fact that he has fearlessly discharged his duty in these matters. He has helped to uncover one of the most corrupt and rotten conditions that ever disgraced a national capital, and he is entitled to the commendation not only of his colleagues but of the entire country for having done so.

With reference to Mr. Stone, I find no difficulty whatever in casting my vote for him for the Supreme Bench. I knew very little about him except his general reputation until he went into the Attorney General's office. I there became pretty well acquainted with him, and I learned many incidents of his life and became acquainted with many of his views which I had not known before. I want to call to the attention of my friend, the Senator from Nebraska [Mr. NORRIS], the fact that in my opinion the Attorney General is one of the most liberal-minded men who has been in the Attorney General's office for many years. He is not only a man of extraordinary ability,

but he is a man of liberal mind and of a high sense of public duty, and the deepest regret I have in seeing him advanced to the Supreme Bench is that he is leaving the Attorney General's office, where I think he has been doing splendid work ever since he has been there. And it was no ordinary task which confronted him when he took up the duties of that office.

I recall an instance in his service to justice which is indicative to me of a great deal. We remember that at the close of the war, and during the aftermath of the war, there were a great many people left in the prisons of this country for purely political offenses. A very determined fight was made by a few people in the country to liberate those men after the war, because it was felt to be in contravention of the fundamental principles of free government that men should remain in prison for political offenses, especially after the war which caused their incarceration had ceased. I know the active, the energetic, the courageous part which the present Attorney General took in that fight, not as a public officer but as a lawyer and as a citizen.

I might enumerate many other things. As I have said, I think Mr. Stone is an able lawyer, and I think he is a man of broad and liberal mind. But there is one matter as to which, while I shall not discuss it at length to-day, I hold a different opinion from that which seems to be the opinion of Mr. Stone, and that is the proposition of transferring the case against Senator WHEELER and other citizens of Montana from the State of Montana to the District of Columbia for trial. Technically undoubtedly he has the right to do so. Technically the venue may be in the District of Columbia as well as in the State of Montana. I must presume, knowing Mr. Stone as I do, that he has acted in good faith, but I very much fear that, able as he is, he has not given sufficient consideration to the evil consequences of the precedent which he is about to establish.

It is, in my opinion, fundamental; indeed, it comes down to us from the old common law—is one of the things about which our ancestors fought and one of the things which entered into our own Revolutionary struggle—that men are entitled to be tried by a jury of the vicinage; tried by their neighbors; tried where their character has been builded; tried where they are known, where it is impossible to oppress by reason of the great costs which accompany a removal to a far distant point. The most subtle and destructive form of oppression has in the past and may in the future consist in removing men charged with offenses great distances for trial. It may all be done in the name of justice, but it is the most flagrant denial of justice.

It may be that the able Senators who sit about us, living in the East, do not at first glance appreciate the importance of this matter. We are all more or less guided in our conclusions by concrete facts which come to us touching upon a particular question before us. When I came to the Senate 79 per cent of my State was withdrawn from public entry. There is scarcely a day that a citizen does not come in contact or in conflict with the rules or the regulations or the laws of the National Government by reason of the fact that we are really living under the Federal Government, although in fact a State.

Instead of this being Senator WHEELER, who is in a much better position to defend himself in this matter and to accede to the precedent, if it is to be established, than the ordinary citizen in the State, let us suppose some one who has taken up, we will say, a 640-acre homestead under the laws of the Government, is charged with a conspiracy to defraud the Government out of the land, to have entered into a conspiracy with some cattle owner who is to receive the homestead as soon as he proves his title; and suppose the case is transferred to Washington. That brings home what the precedent means. It would be intolerable. The fact that Mr. WHEELER is a Senator ought not to blind us to the evil of such a practice or such a precedent.

We need not appeal to the old principles which have guided us so long with reference to trying men in the county where they belong or where they live. We come to the more practical question. Not only do our citizens come in contact with the land laws, but the way the authority of the Government is spreading, taking hold of all kinds of business, reaching out and connecting itself with all business affairs, building up vast departments here which touch every nerve of life, every activity of brain, and every energy of the body, the time could easily come within the next quarter of a century when the vast majority of infractions of the Federal law could be tried in the District of Columbia. Of all forms of centralization, this is the most objectionable. They use to do this thing in other countries, but it should never be countenanced here.

It is not the single fact that a Senator is being brought here for trial, nor has that very much to do with it, so far as I am concerned, because, as I have said, he is in a better position to protect himself than the ordinary citizen. But a precedent which establishes a practice of transferring cases to the District of Columbia, where some overt act has taken place in the District of Columbia, by reason of the fact that the citizen has to connect up with a department, is a precedent which we should not accede to, and which, so far as I am concerned, I can not indorse.

I say, of course, that technically they have a right to bring Senator WHEELER here, but fundamentally it is a wrong policy, and at a proper time, after the Attorney Generalship and the Supreme Court matter have been settled, I shall undertake to find the time to present to the Senate some of the precedents which have heretofore been observed, some of the rules which have been applied, and some of the reasons why this, if it can not be remedied otherwise, ought to be remedied by special legislation.

A great deal has been said to the effect that certain Senators, including myself—because, I presume, I was chairman of the committee which exonerated Mr. WHEELER—have been undertaking to hold up the confirmation of Mr. Stone because we thought he should not proceed against a Senator. That is perfectly absurd. No Senator here, I venture, has ever entertained any such view, much less put it forth. The Department of Justice has a right to seek an indictment of any citizen, high or low, in or out of office, whenever the Department of Justice thinks the facts justify it, and I venture to say that if this indictment had been found in the State of Montana there never would have been a word said in regard to it here, so far as the Senate is concerned. My interest in the case became intense, however, when I learned that it was deliberately proposed to establish the precedent of trying men in the District of Columbia because an overt act connected with some department made it possible to do so.

If Senator WHEELER has any connection with this matter, it is by reason of a contract, a contract which was made in Montana. There was a letter written which they say indicated a purpose to defraud the Government. That letter was written in Montana. The witnesses are in Montana. The property is in Montana. The scene of the transaction, which resulted in a conspiracy, if any conspiracy existed, is in Montana. So I say that that becomes a matter of transcendent importance, and one which the Senate has no right to disregard. To refuse to call attention to it would be a gross disregard of public duty.

Mr. BRUCE. Mr. President, I demand the personal privilege open to every other Member of the Senate of putting on permanent record the reasons which impel me to vote as I shall in the matter of the confirmation of Mr. Stone.

John Randolph of Roanoke once said that every man is of some importance to himself, whether he is to anyone else or not, and in a case of this kind every Member of the Senate has the right, and indeed should exercise the right, of letting the country know exactly why he votes as he does. Even if I had been disposed to vote against the confirmation of Mr. Stone, I should feel that I am compelled to relinquish the intention to do that after listening to the Senator from Montana [Mr. WALSH] himself. He made a very clear, strong, and interesting address. We all realize that, and he even went so far as to hint or suggest that the proper thing for the Senate to do in this case is to refuse to confirm Mr. Stone. But at the same time he admitted in the most unqualified terms that Mr. Stone is a lawyer of the highest professional standing in point of ability—nay, more, that he is a lawyer of the highest professional standing in point of moral character and worth. It seems to me that the plain result of that is to reduce the action of Mr. Stone in selecting Washington rather than Montana as the venue for this second indictment against Senator WHEELER to a mere mistake of judgment; that is all.

In reaching this conclusion I feel fortified, too, by what has been said by the Senator from Idaho [Mr. BORAH], whose views with regard to the personal integrity and professional character of Mr. Stone are entitled, I hardly need say, to as great consideration as those of any Member of this body. I wish to follow for just a moment in the footsteps of the Senator when I declare that while I intend to vote for the confirmation of Mr. Stone I think that he fell into a grave error of judgment in electing to make Washington and not Montana the situs of this second indictment against Senator WHEELER. As the Senator from Idaho has said, the right of the citizen to be tried by a jury of the vicinage is fundamental. It is elementary. It is a precious, priceless right, one that has been handed down to us immemorially as an integral part of our splendid inheritance of Anglo-Saxon liberty.

There are few things that more inflamed the resentment of the American Colonies against the mother country than its attempt to have offenders against the admiralty laws of Eng-

land transported to England and tried there instead of being tried in the Colonies. So, when the Federal Constitution and the first constitutions of the different States of the Union were adopted, the framers of those instruments were all sedulous to insert in them the provision that every man should have the right, when accused of crime, to be tried by a jury of the vicinage. The sixth amendment to the Federal Constitution provides:

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

I venture the assertion, though of course I must not be taken as speaking with absolute exactitude when speaking on the spur of the moment, that a similar provision will be found in the organic law of every State in the Union. Nor is the right to be tried by a jury of the vicinage a mere technical right, a mere legalistic refinement. It is of the essence of personal liberty, the liberty for which our English ancestors and we have striven and fought and died.

So I say that it was a mistake for Mr. Stone to have elected to have Senator WHEELER indicted here instead of in Montana, where the first indictment against him was framed. Without the slightest difficulty anyone of us can place himself in the situation of Senator WHEELER. Suppose I were indicted tomorrow for having committed some violation of the Federal laws and the proposal was to have me indicted here, even though it is only a few miles from my home, instead of in Baltimore, where I have lived all my life, where I am known, where I have won friends and some measure of public respect as an honorable man and a useful citizen, and where perhaps a favorable presumption of innocence would attach to me were I charged with crime. Would I not wish to be tried there rather than in any other place in the world? Would I not be entitled to be tried there, and would not every right-thinking man feel that my claims to just treatment had been denied if I were refused the right to be tried there? And what I say of myself is of course true of every man in this Chamber in his relations to his own place of residence.

It was in the power of Mr. Stone to elect where Senator WHEELER should be tried the second time. In my humble judgment, and I say it with great respect, he should have elected Montana and not Washington.

In the case of Senator WHEELER there were peculiar reasons why the accused should be tried at his own home rather than here. He had been engaged in one of the bitterest investigations ever known to the proceedings of Congress. He had necessarily raised up a host of malignant, if not implacable, enemies against him; and it is only fair to add that he had himself taken up the sword and had no right but to expect that he, too, might perish by the sword. The very fact that he is more combative, antagonistic, and accusatory than the ordinary individual made the likelihood of the lex talionis being applied to him more marked than usual. He was not a Republican. If he ever was a member of the Democratic Party, he had separated himself from it during the last presidential campaign. He was peculiarly in a situation to be exposed to the full force of partisan and personal vindictiveness, to all the arrows and slings of outrageous fortune when the question arose as to whether he should be indicted again in Washington; and therefore there was all the more reason why the fundamental rights of the citizen should be nicely and jealously observed in his case than in that of the average person.

And yet he is to be indicted and tried in Washington, where Mr. Daugherty once sat in the seat of punitive power; where the Department of Justice, of which Mr. Daugherty was once the head, has its headquarters; and where many of the retainers of that department during Mr. Daugherty's time still live and hold office; where there has always been an intensely political atmosphere, indeed such a political atmosphere that Woodrow Wilson used to say that Washington was the last place in the United States where one could feel the pulse of honest public opinion; where political influence and political partisanship and political malevolence are always more or less at work; and where what Shakespeare calls "the chalice of even-handed justice is most likely in any case to be poisoned by political malice."

So I say still again that Mr. Stone made a mistake when he proceeded to have Senator WHEELER indicted here; but I believe that he made an honest mistake. I am proud enough of my profession to think that there are very few Attorneys General who would be willing to select a venue for the trial of an accused person simply for the purpose of making sure of the blood of the accused. Generally speaking, lawyers are no better than other individuals; they admit that; but every human being, whether he be a lawyer or not, is a better man when he owes a special obligation of some kind or other to honorable conduct. The policeman is braver for the uniform that he wears; the priest is purer for his cassock; and, in a case of this kind, a lawyer is more likely to be influenced by honorable and high-minded impulses than another man would be if for no other reason because he takes a vow, as a part of his profession, that he will always be true to the constitutional rights of the citizen, to the claims—the sacred claims—of personal liberty. So, under any circumstances, I should be slow to think that Mr. Stone or any other lawyer could be induced merely by a spirit of persecution or malignity to select a particular venue for the trial of a case; but there is here not an iota of evidence tending to establish the fact that Mr. Stone has been influenced by any sinister or improper motive in proceeding against Senator WHEELER in Washington.

In view of that fact, and in view of his eminent professional qualifications for a seat upon the Supreme Bench, I have come to the conclusion, without any reservations of any kind unfavorable to his character or reputation, that it is my duty as a Member of this body to vote for his confirmation.

Mr. REED of Missouri. Mr. President, I want only a few moments to put on record my reasons for the vote I shall cast.

I examined the Ownbey case; I read the record; the opinion of the Supreme Court; and, as a member of the Judiciary Committee, I asked Mr. Stone some questions touching that case. If I believed that Mr. Stone had helped to lay out a plan of action which contemplated, first, the tying up of the resources of Mr. Ownbey; and, second, the taking of Mr. Ownbey into the courts of Delaware and there demanding security which he could not give because he had been deprived of his resources, I would not vote for Mr. Stone's confirmation, even though every step that he had taken was taken in strict accordance with the law, because conduct of the character I have adverted to would be merely the employment of the processes of the law to accomplish the defeat of the real purposes of the law.

But, Mr. President and Senators, the record fails to disclose that such a scheme was in fact conceived, and especially fails to show any knowledge on the part of Mr. Stone of the scheme if it existed. Upon the contrary, his express declaration to the committee was that he had practically known nothing of the case until he was handed the record on appeal and asked to discuss a constitutional question. That is a very different state of facts than we have heard discussed here by some Senators; and I reach the conclusion that there is nothing in the whole record as it exists before us that so reflects upon the honor and character of Mr. Stone as to warrant casting a vote against him.

We have the other question, the question of a grand jury investigation and possible indictment not alone of Senator WHEELER but of certain other residents and citizens of Montana not in the courts of their State but in the courts of this District. I do not like that situation. I am embarrassed, however, in this discussion by the fact that a Member of this body is directly concerned. There are men in the world contemptible enough to ascribe to the Senate a mere desire to protect one of the Members of the Senate; and therefore all that is said must be said with a full understanding that it will probably be blazoned to the country in large headlines that the Senate or some Senators are trying to protect a fellow Member. So far as I am concerned, I believe that the law ought to be more rigidly enforced against those who are charged with the making of the law or the enforcement of the law than it should be enforced against the ordinary citizen, because those who hold public place have a peculiar obligation toward the laws of their country, and if I believed that any Member of this body had been guilty of felonious conduct I would be the last to defend him. I wish that this case did not have Senator WHEELER's name connected with it and that I might discuss it merely as a question affecting the average citizen.

Let me say now, Mr. President, knowing Senator WHEELER as I have come to know him, I know that he is the last man to claim any privilege of immunity because he has a seat in this body. Whatever else people may say of him, nobody has ever accused him of having the spirit of a poltroon or as running from attack.

However, Mr. President, while I intend to vote for Mr. Stone's confirmation, I intend at the same time to say that it is, in my judgment, a very wrong thing in any Attorney General to indict citizens far from their homes when the venue of the crime as well and better lies at the place of their homes.

The Senator from Idaho [Mr. BORAH], with his usual clarity of expression and directness of thought, has called attention to

where this practice may lead. We have a law that any man who uses the mails to defraud may be indicted, and under the construction of that law he may be indicted at the place where he mails the letter or he may be indicted at the place to which the letter is directed and where it is received.

We may say that if he commits a fraud it is of little importance where he is tried; that in any event he is a criminal. But, sir, the law does not presume his guilt. It presumes his innocence; and so the question is not whether a guilty man shall be tried in any one of a dozen places or 50 places, but where a citizen presumed to be innocent shall be tried and the question of his guilt or innocence determined.

Accordingly, applying this law, if a man perfectly innocent were to be accused of promoting a particular enterprise and of writing a large number of letters touching the enterprise, he might be, under the construction of the law, indictable in any one of the States and in any district of any State; and a prosecuting officer, overcome by zeal of office, might be found who would seek to pick the particular locality which, because of its remoteness from the habitation of the accused or because of peculiar conditions there existing, would tend most strongly to the destruction of the defendant, of the citizen, regardless of the right of the case.

Such things have been done before; such things will be done again unless, by some form of statute or by some kind of protest, the officers engaged in the enforcement of the law are brought to a different kind of conduct.

Take this case. Some citizens of Montana organized a company. It was a company engaged in the exploitation of oil lands. Some questions had arisen between the owners of the property and citizens of Montana, and some question arose as to the titles of the property.

This company sent out literature which it is claimed was fraudulent literature. This company employed Mr. WHEELER, and it is claimed that one part of his employment was to appear here before a department of the Government. They indicted him in Montana for the latter offense, which was much more peculiarly an offense in the District than is the other branch. They indicted others in Montana in connection with the same general business. They picked their place of trial, and they picked it properly. It was the place where, if there ever was a conspiracy formed, it had been formed. They have held the case there for many months of time, and now, although nearly all of the witnesses live in Montana or in the extreme West, although the venue could be properly laid there and more properly laid there than here if you can consider the question of degree in the matter of venue at all, we find a grand jury assembled in the District of Columbia and men brought here from the Pacific coast clear through the State of Montana to testify, and we find that it is the law that the defendant must pay the expense of bringing here the witnesses who are to testify in his behalf unless he makes an oath in forma pauperis, and then he must expose to the Government all that his witnesses will testify to in order to secure the bringing of them here at Government expense.

It is the law that that can be done, but the Attorney General had the option of imposing that hardship upon these citizens of the United States or of indicting them in the State of Montana, where practically all of these defendants live, and he has chosen to proceed here. He has stated to the Judiciary Committee, in substance and effect, that one reason for bringing the case here was in order that he might closely supervise or in a general way direct it, and so that no injustice would be done. If that were his motive, then of course the feeling of criticism one would have would largely disappear, but I confess that when I am told here to-day by the Senator from Montana [Mr. WALSH] that the man in charge of the prosecution is one of Mr. Daugherty's left overs, it impresses me very badly.

To bring what little I have said to a conclusion, I think the Senate is confronted with the high duty of amending the laws of the United States so that citizens will be given a trial in the vicinage, which means, of course, the district of their habitation or the district where the crime actually is committed, and the stretching of the law by declaring that a man can be tried at any place where a single overt act has occurred, although the principal business connected with the crime occurred in his own home, ought to be terminated by statute.

I have said what I have said on this question because I want my protest, for whatever it is worth, to be recorded against any kind of doctrine that it is proper for the United States to pick out any kind of place it sees fit and to drag citizens far from their homes when it is a wholly unnecessary proceeding.

Mr. HEFLIN. Mr. President, it is growing late and I shall not detain the Senate long.

I read in my speech a little while ago from the brief of the attorneys of Colonel Ownbey in Colorado, in which they set out just what the Senator from Missouri [Mr. REED] did not seem to understand. They set out there that this advantage sought to be taken by resorting to a foreign court against Colonel Ownbey was for the purpose of injuring him, of taking unfair advantage of him—that that was the purpose of the Delaware suit—in effect that it was a conspiracy to rob him.

The facts show—aye, the Supreme Court decision itself, written by Mr. Justice Pitney, shows—that all the steps I referred to were taken to try to get Colonel Ownbey a hearing in the lower court in Delaware and that he was denied a hearing. I want the RECORD to carry to the country the exact truth of this case, and I am going to see that it does if I possibly can.

Nobody denies—Mr. Stone himself can not deny—that Colonel Ownbey was denied a hearing in the lower court. When Mr. Stone read the record of that case and heard the argument of Mr. Marshall, Ownbey's attorney, in the Supreme Court, he knew then all that had transpired in the court below and in that case from its inception. My position again, briefly stated, is that when he found out what had happened in the court below, when he took the position that what had happened below was proper, just, and fair, and constitutional, I said he is not a proper person to go upon the Supreme Court bench.

The Senator from Idaho [Mr. BORAH] points out that in bringing Senator WHEELER from Montana to be tried in the District of Columbia Mr. Stone is setting a bad precedent. He says that technically he is authorized to have Senator WHEELER brought here and tried, but that fundamentally, Mr. President, he is wrong; and if a candidate for a position on the Supreme Court bench—for that is what he is, because we are going to vote here, Democrats and Republicans, as to whether or not we are going to elect him—if he construes the Constitution in such a way as to deny to a citizen fundamental principles of rights and justice, and resorts to technicallities, is he a proper person to go upon the Supreme Court bench? If, after finding out what the statutes provide, and what the principles of right and justice require, he goes over these fundamental rights in the case and relies upon technicalities and demands that a citizen from Montana be brought here to be tried in the District of Columbia, is he fundamentally sound and sufficiently qualified to be a judge for life in a position where his say is the last word in interpreting the Constitution?

The Senator from Idaho talks in a way about how well Mr. Stone has performed since he has been in the Department of Justice. I ask, where are all these big cases for months in his hands for action in which the Government should have proceeded with indictment and prosecution against big interests? They have not been prosecuted under Mr. Stone. He has just dismissed an indictment against a very prominent Republican, Mr. Crowell. He was indicted. The paper says:

Stone drops war fraud case against Crowell. Admits indictment found was faulty.

Mr. President, I say that these big fellows who have been indicted are being let out, but I challenge any of you to cite me the case of one big concern that he has proceeded against with prosecution since he has been in the office of Attorney General.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arizona?

Mr. HEFLIN. I do.

Mr. ASHURST. Let me say to the Senator, whatever he may have against Mr. Stone—and the Senator has made an able speech—I beg him not to hold it against Mr. Stone that he dismissed the Crowell indictment. The Crowell indictment was a part of the reckless and relentless misconduct of Mr. Daugherty.

Mr. HEFLIN. I do not know about that.

Mr. ASHURST. I hope the Senator will take my word for it.

Mr. HEFLIN. I am just recalling the fact that Mr. Crowell is a big and prominent Republican, who has by Mr. Stone just been given a clean bill of health.

Mr. FESS. Mr. President——

Mr. HEFLIN. I am asking where are the big, the immensely wealthy concerns that have been indicted or proceeded against by Mr. Stone? I am asking particularly about the Stotesbury case, the gas company case where Mr. Stone wrote a letter last July saying that he would proceed to look into it and do what was appropriate. I ask, what has he done in these eight months? Nothing.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. HEFLIN. Certainly.

Mr. FESS. Where does the Senator get the information that Mr. Crowell is a Republican? He was appointed Assistant Secretary of War by President Wilson at the suggestion of Mr. Newton D. Baker.

Mr. HEFLIN. That may be true, but he is a Republican.

Mr. FESS. I have understood that he was a very upright Democrat.

Mr. HEFLIN. No; he is a Republican. [Laughter.] President Wilson was nonpartisan in his appointments during the war, and he appointed, I am sorry to say, some dollar-a-year Republicans who played havoc with the people and the Government. [Laughter.]

Yes, Mr. President; Mr. Crowell is a Republican. Mr. Stone, instead of proceeding under the fundamental principles of right and justice in this country to try Senator WHEELER in Montana, sees fit and elects to bring him here and try him here in Washington. Mr. Stone, as a practicing attorney in the Supreme Court, after having read the record and knowing all about what happened to Colonel Ownbey, knowing that he had been denied the right to be heard, and had his property taken from him without due process of law, asked the Supreme Court to stand by the judgment of the lower court.

The Bible tells us that by their fruits ye shall know them. I am judging Mr. Stone, as to his fitness to be on the bench, by his practice in construing the Constitution. I know nothing about him personally, and that does not enter into it. I do not care how clever he is. How did he stand on the fundamental law of the land? Was he in favor of denying to the citizen due process of law? Was he in favor of denying WHEELER the right to be tried among his neighbors where he is known? That is what he has done; he has elected to bring him to the District of Columbia to be tried.

I have said all that I care to say. I rejoice that this matter will at least be a matter of record and the people in the States who read the RECORD can judge for themselves regarding our action here to-day.

The PRESIDING OFFICER. The yeas and nays have been ordered on confirming the nomination of Mr. Stone, and the Secretary will call the roll.

The reading clerk proceeded to call the roll, and Mr. ASHURST responded "yea."

Mr. SHORTRIDGE. For the benefit of the RECORD, I ask unanimous consent that the report of the hearings before the Committee on the Judiciary be incorporated as a part of the proceedings of this day.

Mr. HEFLIN. Mr. President, does that contain the testimony of those who have appeared against Mr. Stone?

Mr. CURTIS. Mr. President, I will have to make a point of order against the request of the Senator from California. The roll call was commenced and there had been a response.

The PRESIDING OFFICER. The Chair sustains the point of order. The Secretary will proceed with the roll call.

The reading clerk resumed the calling of the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], who is absent, but on this vote I understand that were he present he would vote as I shall vote, and I therefore vote "yea."

Mr. NORRIS (when Mr. LA FOLLETTE'S name was called). I was requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness. If he were present, he would vote "nay."

Mr. WALSH of Montana (when his name was called). In view of the fact that I am counsel for Senator WHEELER, I ask to be excused from voting.

Mr. WATSON (when his name was called). I have a pair with my colleague [Mr. RALSTON]. If he were present, he would vote as I intend to vote, and therefore I vote "yea."

Mr. WHEELER (when his name was called). Mr. President, I shall refrain from voting on this question, with the permission of the Senate.

The roll call was concluded.

Mr. CURTIS. I was requested to announce that the Senator from Illinois [Mr. MCCORMICK] is unavoidably detained from the Senate. Were he present, he would vote "yea."

Mr. BROUSSARD (after having voted in the affirmative). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], who, if he had been present, would have voted as I have voted.

Mr. JONES of Washington. I desire to announce that the Senator from New Hampshire [Mr. MOSES], the Senator from Missouri [Mr. SPENCER], and the Senator from West Virginia [Mr. ELKINS] are necessarily absent, and if present they would vote "yea."

Mr. JONES of New Mexico. I was requested to announce that the Senator from Maryland [Mr. BRUCE] is necessarily absent, and that if present, he would vote "yea."

The roll call resulted—yeas 71, nays 6, as follows:

YEAS—71

Ashurst	Edge	Kendrick	Reed, Pa.
Ball	Edwards	Keyes	Sheppard
Bayard	Ernst	Ladd	Shields
Bingham	Fernald	McKellar	Shortridge
Borah	Ferris	McKinley	Simmons
Brookhart	Fess	McLean	Smith
Broussard	Fletcher	McNary	Smoot
Bursum	George	Mayfield	Stanfield
Butler	Glass	Means	Stanley
Cameron	Gooding	Metcalf	Sterling
Capper	Greene	Neely	Swanson
Caraway	Hale	Norbeck	Wadsworth
Copeland	Harreld	Oddie	Walsh, Mass.
Couzens	Harrison	Overman	Warren
Cummins	Howell	Pepper	Watson
Curtis	Johnson, Calif.	Phipps	Weller
Dale	Jones, N. Mex.	Ransdell	Willis
Dial	Jones, Wash.	Reed, Mo.	

NAYS—6

Frazier	Johnson, Minn.	Shipstead	Trammell
Heflin	Norris		

NOT VOTING—19

Bruce	King	Owen	Stephens
Dill	La Follette	Pittman	Underwood
Elkins	Lenroot	Ralston	Walsh, Mont.
Gerry	McCormick	Robinson	Wheeler
Harris	Moses	Spencer	

The PRESIDENT pro tempore. Upon the question, Shall the Senate advise and consent to the nomination of Harlan Fiske Stone to be Associate Justice of the Supreme Court of the United States the yeas are 71 and the nays are 6. So the Senate advises and consents to the nomination.

Mr. CURTIS. I ask that the President be notified of the action of the Senate.

The PRESIDENT pro tempore. The President will be notified.

Mr. CURTIS. I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed legislative session.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3669) to provide for the inspection of the battlefields of the siege of Petersburg, Va.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes; and that the House had receded from its disagreement to the amendment of the Senate numbered 42 to the said bill.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 365) for the relief of Ellen B. Walker.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1765) for the relief of the heirs of Agnes Ingels, deceased.

ENROLLED BILLS AND JOINT RESOLUTIONS

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolutions:

S. 2232. An act to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service";

S. 2848. An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.;

S. 3392. An act to amend section 558 of the Code of Law for the District of Columbia;

S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Batesville, in the county of Independence, in the State of Arkansas;

S. 3885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River, at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas;

S. J. Res. 154. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; and

S. J. Res. 155. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

WAR DEPARTMENT APPROPRIATIONS

Mr. WADSWORTH. Mr. President, I ask that the Chair lay before the Senate the action of the House on the War Department appropriation bill.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House on House bill 11248, which the Secretary will read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 4, 1925.

Resolved, That the House recedes from its disagreement to the amendments of the Senate Nos. 17 and 29 to the bill (H. R. 11248) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes," and concurs therein.

That the House recede from its disagreement to the amendment of the Senate No. 1 and concur therein with an amendment, as follows:

At the end of the matter inserted by said amendment, change the period to a colon and add the following: *Provided*, That the number of officers detailed to this duty shall not at any time exceed 26.

Mr. WADSWORTH. I move that the Senate concur in the House amendment to the Senate amendment.

The motion was agreed to.

The reading clerk continued the reading, as follows:

That the House recede from its disagreement to the amendment of the Senate No. 7 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: *Provided*, That expenditures heretofore made from, and obligations incurred against, appropriations for incidental expenses of the Army for entrance fees of Army rifle and pistol teams participating in small-arms competition are hereby authorized and vadidated.

Mr. WADSWORTH. I move that the Senate concur in the House amendment to the Senate amendment.

The motion was agreed to.

The reading clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate No. 9, and concur therein with an amendment as follows:

Strike out all of the matter inserted by said amendment after the word "Treasury:" in line 11, and insert in lieu thereof the following: "*Provided*, That not exceeding $400,000 of the proceeds of such sale or sales is hereby appropriated for the construction of barracks and quarters or other buildings and utilities to accommodate a battalion of Infantry upon another Government-owned military post or reservation within the Second Corps Area: *Provided further*, That the provisions of section 1136 of the Revised Statutes shall not apply to the structures authorized herein: *Provided further*, That the President is authorized to reconvey to the State of New York such portions of the military post at Fort Porter that were originally donated by the State of New York, when, in his opinion, such land is no longer needed for military purposes."

Mr. WADSWORTH. In the interest of brevity, I may say that the amendment of the House repeats the Senate language with respect to Fort Porter, in the city of Buffalo, and merely adds a proviso to the effect that the provisions of section 1136 of the Revised Statutes shall not apply to the structures authorized therein. That is the limiting section of the statute, which provides that not more than $20,000 may be spent by the War Department on any one building.

I move that the Senate concur in the House amendment to the Senate amendment.

The motion was agreed to.

The reading clerk read as follows:

That the House insists upon its disagreement to the amendment of the Senate No. 42.

Mr. WADSWORTH. I move that the Senate recede from its amendment No. 42.

Mr. SWANSON. What is the amendment?

Mr. WADSWORTH. It is the amendment in which the Senate provided that $40,000 of the $10,000,000 appropriation for Mississippi River flood control should be appropriated to revet the banks of the Mississippi River at the city of Memphis in protection of the Barge Line Terminal. The House defeated the amendment by a vote of 115 to nothing. I believe it wise for the Senate to recede, and therefore I have made my motion.

The motion was agreed to.

Mr. SMOOT. Mr. President, I want to ask the Senator having the military bill in charge if the Senate receded on amendment No. 34, reading as follows:

Hereafter no money allowance for the rental of quarters shall be paid to members of the Officers' Reserve Corps when called to active duty for a period of not exceeding 31 days, if quarters for their personal accommodation during such period are provided by the Government.

Mr. WADSWORTH. The Senate receded.

Mr. SMOOT. That involves about $750,000?

Mr. WADSWORTH. A little over $800,000 to the best of my knowledge.

Mr. SMOOT. I am very sorry indeed that the Senate conferees were obliged to recede on that item.

Mr. WADSWORTH. So am I.

Mr. SMOOT. In fact, I do not consider that it is anything but petty graft.

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

Mr. JONES of Washington. Mr. President, I desire to give notice that if the opportunity is presented to-morrow I shall ask the Senate to proceed to the consideration of House bill 11753 making appropriations for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes.

COURTS IN ARKANSAS

Mr. CARAWAY. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 5197) to amend section 71 of the Judicial Code, as amended, and I ask for its present consideration.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

Mr. JONES of Washington. May we have a brief statement of what the bill is?

Mr. CARAWAY. The bill simply provides another place in which to hold court in Arkansas.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 71 of the Judicial Code, as amended, be amended to read as follows:

"SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

"(b) The western district shall include four divisions constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; and the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

"(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the fourth Mondays in January and June; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; and for the Harrison division, at Harrison on the second Mondays in April and October.

"(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open at all times for the transaction of the business of the court.

"(e) This act does not repeal or amend the remainder of section 71 of the Judicial Code as it applies to the eastern district of Arkansas."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REFUND OF TAXES ON DISTILLED SPIRITS

Mr. STANLEY. I ask unanimous consent for the present consideration of the bill (H. R. 10528) to refund taxes paid on distilled spirits in certain cases.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue may, pursuant to the provisions of section 3220, Revised Statutes, as amended, allow the claim of any distiller for the refund of taxes paid in excess of $2.20 per proof gallon on any distilled spirits produced and now owned by him and stored on the premises of the distillery where produced, but no refund shall be allowed unless such spirits are contained in the distiller's original packages in which they were taxpaid, or in regularly stamped bottles and cases in which they were placed when bottled in bond, or in stamped or unstamped bottles into which they have been placed while on and without removal from the distillery premises: *Provided*, That the Commissioner of Internal Revenue may direct that any spirits on which refund of tax is claimed under this section shall be removed to and stored in a warehouse designated by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, requested the Senate to return to the House of Representatives the bill S. 2693 in reference to writs of error.

The message announced that the House had agreed to the amendment of the Senate to the bill (H. R. 2694) authorizing certain Indian tribes, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties or otherwise.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8263) to authorize the General Accounting Office to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds.

ENROLLED BILLS

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills:

H. R. 8206. An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes; and

H. R. 10724. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes.

WRITS OF ERROR

The PRESIDENT pro tempore. The Chair lays before the Senate the request of the House of Representatives for the return to that body of the bill (S. 2693) in reference to writs of error. If there be no objection, the request of the House will be complied with.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 6 o'clock and 5 minutes p. m.) took a recess until to-morrow, Friday, February 6, 1925, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 5, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

To Thee eternal and almighty God we come; bless us with ease of mind and calmness of heart at this impressive moment. O Spirit divine, messenger of peace and counselor of wisdom renew our strength. Thou art wiser than any teacher, kindlier than any friend, gentler than any physician, and braver than any leader. O Jehovah, Father exalt the ideals, purify the emotions, and strengthen the wills that shall make for noble and acceptable service. Surely Thou art in the world of men, and there is one God, one law, one element toward which the whole creation moves. Glory and honor, dominion and power be unto Thy excellent name forever and ever. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SUPPLEMENTAL REPORT ON S. 3760

Mr. FROTHINGHAM. Mr. Speaker, I ask unanimous consent to file a supplemental report to the one already filed by me for the Committee on Military Affairs on Senate 3760, an act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to file a supplemental report from the Committee on Military Affairs. Is there objection?

There was no objection.

RELIEF OF ELLEN B. WALKER

Mr. UNDERHILL. Mr. Speaker, I call up for adoption the conference report on Senate 365, for the relief of Ellen B. Walker.

The SPEAKER. The gentleman from Massachusetts calls up a conference report, which the Clerk will report.

The Clerk read as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 365) for the relief of Ellen B. Walker having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, and agree to the same.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

ARTHUR CAPPER,
SELDEN P. SPENCER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 365) for the relief of Ellen B. Walker submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amount is reduced from $5,000 to $1,560.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

The conference report was agreed to.

RELIEF OF THE HEIRS OF AGNES INGELS, DECEASED

Mr. UNDERHILL. Mr. Speaker, I call up for adoption the conference report on S. 1765, for the relief of the heirs of Agnes Ingels, deceased.

The SPEAKER. The gentleman from Massachusetts calls up a conference report, which the Clerk will report.

The Clerk read as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1765) for the relief of the heirs of Agnes Ingels, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

ARTHUR CAPPER,
SELDEN P. SPENCER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1765) for the relief of the heirs of Agnes Ingels, deceased, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amount is reduced from $5,000 to $1,000.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

The conference report was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2975) validating certain applications for and entries of public lands, and for other purposes.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 10724. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes;

S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Batesville, in the county of Independence, in the State of Arkansas;

S. 3885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River, at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas;

S. J. Res. 155. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress;

S. J. Res. 154. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress;

S. 3392. An act to amend section 558 of the Code of Law for the District of Columbia.

S. 2848. An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.;

S. 2232. An act to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service"; and

H. R. 8206. An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes.

H. R. 646. An act to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations;

H. R. 4294. An act for the relief of heirs of Casimira Mendoza;

H. R. 5420. An act to provide fees to be charged by clerks of the district courts of the United States;

H. R. 6860. An act to authorize each of the judges of the United States District Court for the District of Hawaii to hold sessions of the said court separately at the same time;

H. R. 8369. An act to extend the period in which relief may be granted accountable officers of the War and Navy Departments, and for other purposes;

H. R. 9461. An act for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy;

S. 2975. An act validating certain applications for and entries of public lands, and for other purposes;

S. 3622. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry; and

S. J. Res. 135. Joint resolution granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that February 4, 1925, they had presented to the President of the United States for his approval the following bills:

H. R. 1717. An act authorizing the payment of an amount equal to six months' pay to Joseph J. Martin;

H. R. 2806. An act for the relief of Emil L. Flaten;

H. R. 2258. An act for the relief of James J. McAllister;

H. R. 26. An act to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act;

H. R. 1326. An act for the relief of Clara T. Black;

H. R. 1860. An act for the relief of Fannie M. Higgins;

H. R. 2811. An act to amend section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes";

H. R. 3348. An act authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co.;

H. R. 3411. An act for the relief of Mrs. John P. Hopkins;

H. R. 2977. An act for the relief of H. E. Kuca and V. J. Koupal;

H. R. 5762. An act for the relief of Julius Jonas;

H. R. 5819. An act for the relief of the estate of the late Capt. D. H. Tribou, chaplain, United States Navy;

H. R. 8893. An act for the relief of Juana F. Gamboa;

H. R. 4461. An act to provide for the payment of certain claims against the Chippewa Indians of Minnesota;

H. R. 6755. An act granting six months' pay to Maude Morrow Fechteler;

H. R. 8329. An act for the relief of Albert S. Matlock;

H. R. 10030. An act granting the consent of Congress to the Harrisburg Bridge Co., and its successors, to reconstruct its bridge across the Susquehanna River, at a point opposite Market Street, Harrisburg, Pa.;

H. R. 9162. An act to amend section 128 of the Judicial Code, relating to appeals in admiralty cases;

H. R. 7239. An act authorizing the Secretary of the Interior to pay certain funds to various Wisconsin Pottawatomie Indians;

H. R. 6660. An act for the relief of Picton Steamship Co. (Ltd.), owner of the British steamship *Picton;*

H. R. 10150. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.," approved November 19, 1919;

H. R. 7399. An act to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906;

H. R. 8258. An act for relief of Capt. Frank Geere;

H. R. 4290. An act for the relief of W. F. Payne;

H. R. 9138. An act to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes;

H. R. 10645. An act granting consent of Congress to the Valley Bridge Co. for construction of a bridge across the Rio Grande, near Hidalgo, Tex.;

H. R. 9827. An act to extend the time for the construction of a bridge across the Rock River in the State of Illinois;

H. R. 9380. An act granting the consent of Congress to Board of County Commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River;

H. R. 11501. An act for the exchange of land in El Dorado, Ark.;

H. R. 10688. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak.;

H. R. 11036. An act extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railroad Co.;

H. R. 8965. An act for the relief of the Omaha Indians of Nebraska;

H. R. 10689. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak.;

H. R. 3913. An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States;

H. R. 5096. An act to authorize the incorporated town of Sitka, Alaska, to issue bonds in any sum not exceeding $25,000, for the purpose of constructing a public school building in the town of Sitka, Alaska;

H. R. 6303. An act to authorize the Governor and Commissioner of Public Lands of the Territory of Hawaii to issue patents to certain persons who purchased Government lots in the District of Waiakea, Island of Hawaii, in accordance with act 33, session laws of 1915, Legislature of Hawaii;

H. R. 11956. An act to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909;

H. R. 7918. An act to diminish the number of appraisers at the port of Baltimore, and for other purposes;

H. R. 3595. An act for the relief of Daniel F. Healy;

H. R. 5774. An act for the relief of Beatrice J. Kettlewell;
H. R. 5752. An act for the relief of George A. Petrie;
H. R. 4374. An act for the relief of the American Surety Co. of New York;
H. R. 4280. An act for the relief of the Chamber of Commerce of the City of Northampton, Mass;
H. R. 5423. An act to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357);
H. R. 5967. An act for the relief of Grace Buxton;
H. R. 6328. An act for the relief of Charles F. Peirce, Frank T. Mann, and Mollie V. Gaither;
H. R. 5448. An act for the relief of Clifford W. Seibel and Frank A. Vestal;
H. R. 2058. An act for the relief of Isaac J. Reese;
H. R. 2313. An act authorizing the issuance of a patent to William Brown;
H. R. 7249. An act for the relief of Forrest J. Kramer;
H. R. 8086. An act to amend the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914;
H. R. 8727. An act for the relief of Roger Sherman Hoar; and
H. R. 3387. An act authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Sanish, formerly Fort Berthold Indian Reservation, N. Dak.

INSPECTION OF BATTLE FIELDS OF THE SIEGE OF PETERSBURG, VA.

Mr. DREWRY. Mr. Speaker, I call up from the Speaker's table H. R. 3669, to provide for the inspection of the battlefields of the siege of Petersburg, Va., and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Virginia calls up a House bill, with a Senate amendment, which the Clerk will report.

The Clerk read the Senate amendment.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

RESIGNATION FROM A COMMITTEE

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read the communication, as follows:

FEBRUARY 4, 1925.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: It is my desire to retire from the Committee on Insular Affairs of the House of Representatives and I herewith tender my resignation, asking that same be immediately effective.

Sincerely,

JAMES H. MACLAFFERTY.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION OF MEMBER TO A COMMITTEE

Mr. LONGWORTH. Mr. Speaker, I move the election of the gentleman from New York, Mr. BACON, to fill the vacancy caused by the resignation of the gentleman from California [Mr. MACLAFFERTY].

The motion was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. WINGO. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. WINGO. Mr. Speaker, on yesterday the Committee on Banking and Currency of the House unanimously reported a bill which will clear up an ambiguity in the intermediate credits act so as to authorize the intermediate credit banks to rediscount paper for all so-called national agricultural credit corporations, and I hope the House will speedily enact that bill, because it is one of the specific recommendations made by the President's agricultural commission. It does not change existing law, but it clears up an ambiguity. It was the intention of Congress that that should be permitted, and it was so intended by the Congress. As you will recall, the provision was written in conference by the conferees creating the intermediate credits act, and it was not written by either House of Congress.

I do not want, though, to hold out any false hope to the cattlemen or to the farmers that this will solve their problems.

Mr. SNELL. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. SNELL. Is the gentleman addressing himself to the bill H. R. 12000?

Mr. WINGO. Yes. As I say, I do not want to hold out any false hope to the farmers. There has not been a single one of these Capper banks organized, and that is what the national agricultural credit corporations are. The excuse now given to the farmers is that Congress failed to authorize this discounting. I contend Congress did not, but we clear up the ambiguity; we add one phrase that will do it. But I contend the farmer is going to face the same difficulty that he has faced in the past under the Capper Act, which, as you recall, was the Republican emergency measure to relieve agriculture a long, long time ago. I said on the floor at that time that the bill simply authorized five "busted" farmers or five bankrupt cattle raisers out West to get together, put up $50,000 each, and organize a bank of their own. They say that is the only thing that prevents these "busted" farmers from organizing these corporations— a little ambiguity in the law—and we are now going to correct that.

And while I am occupying the floor, may I call the attention of my Republican friends to this. It may be unseemly for a Democrat to "butt" into this row that is going on between the Republican Congress and the Republican administration, but my interest in agriculture is so great that I do not want to overlook an opportunity to urge this upon my Republican friends, and you must bear me witness that in handling any of this legislation I have joined with you, and the Democrats stand ready to join with you, as we did in the last Congress, to pass any sane, sensible, practical legislation that will solve the distressing problem of agriculture.

Mr. LUCE. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. LUCE. At that point I am sure the gentleman is willing to add that within the Committee on Banking and Currency there has never been any partisan consideration of these matters.

Mr. WINGO. That is quite true, and while I may twit gentlemen on the Republican side at times, you can not charge me, as a Democrat, or any of my colleagues, with ever having played politics with any legislation that was before our committee. We join, Democrats and Republicans alike, in that committee in considering such legislation.

This editorial from this morning's Washington Post by Col. George Harvey is addressed to the Republican leaders of the House, the steering committee, and I think it is good authority because it is frankly and candidly admitted that the newspapers of the country and the public generally regard the Washington Post as the official organ of the Coolidge administration, as it was of the Harding admin stration. I know some jealous editors have tried to make it appear that Colonel Harvey is in bad at the White House. Of course, those of us who are here on the scene know that is a mistake. Colonel Harvey and the President are as thick as two thieves, and I use that expression respectfully. They have a right to be. Colonel Harvey is a very able man. He is a very shrewd, capable mentor of the President, and we all know that these reports trying to stir up jealousy between them is nothing but the envy of jealous men. We all know here in Washington that whenever these two gentlemen go to bed at night they go to bed together, and to use an old story which I have not the time to tell but just to paraphrase, about the two old negroes who went to bed, when Cal and the colonel lie down in the Republican bed at night together, Cal turns over and to George says, "George, who is sweet," and George says, "Both of us." We all know that is true.

Colonel Harvey gives you Republicans some pretty good advice in the Washington Post this morning, and you had better heed this advice. It is an open letter addressed "To Republicans in Congress," written by the official organ of the administration:

TO REPUBLICANS IN CONGRESS

The Republican President and the Republican majority in Congress were elected largely by farmer votes on the pledge that the Republican Party, if returned to power, would work for the relief of American agriculture. The specific pledge in the Republican platform of 1924 was as follows:

"In dealing with agriculture, the Republican Party recognizes that we are faced with a fundamental national problem, and that the prosperity and welfare of the Nation as a whole is dependent upon the prosperity and welfare of our agricultural population. * * *

"The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industry to insure its prosperity and success."

The Republican President, immediately after his election on this platform, proceeded to work out plans for the relief of agriculture. He appointed a committee of agricultural specialists, who have reported comprehensive and practical recommendations for legislation.

Now the steering committees of Congress, consisting of a majority of Republicans—

Why, as a matter of fact, it consists entirely of Republicans, I will say to Colonel Harvey—

have advised the President that it is "impracticable" to push through farm relief legislation at this session of Congress. They point to many other measures as entitled to priority—such measures as the German commercial treaty, the Isle of Pines treaty, the Bursum measure for the retirement of disabled emergency officers, the $75,000,000 good roads bill, the bill relating to prohibition enforcement, the bill authorizing reduction of interest rates on Government loans to railroads, the civil service retirement bill, the bill for enlarging the Naval Reserve, the national banking bill, the Brookhart game refuge bill, the bill reorganizing Government departments, the French spoilation claims, and the Wadsworth amendment providing that constitutional amendments shall be ratified by the people instead of the legislatures.

The steering committee of the House had advised the President, it is said, that it is "impossible" to enact agricultural relief bills in view of the pressure for the enactment of the foregoing measures and for the passage of the usual appropriation bills.

I take that as official. The great organ says that the steering committee of the House has so advised the President. I continue to read from the editorial:

What are the Republicans in Congress thinking of? Are they anxious to lose the elections in 1926? Are they eager to be thrown out of office to make room for a Democratic majority?

How cruel of the colonel to ask such a question. But let us read on:

They could not adopt a better plan for this purpose than to violate their pledge to the American farmers.

It is not necessary to pass laws embodying all the suggestions of the Agricultural Commission. The commission did not expect such action. But the commission made certain simple and specific recommendations and President Coolidge has approved them and asked Congress to enact them into law.

If Congress at this session turns its back upon the farmers of this country Mr. Coolidge will not be to blame. The record will stand clear. Every Republican in authority in Congress who has ignored the pledge of 1924 will be a marked man in 1926.

Are you anxious to be defeated in 1926, Chairman SNELL of the Rules Committee?

How cruel of Colonel George to put such an embarrassing question to our friend SNELL, when you and I know that the American farmer has not a better friend on the Republican side than the distinguished gentleman from New York, Mr. SNELL [laughter]; in fact, he is the real leader of the farm bloc in this House because he decides what the farmers shall get. [Laughter.]

The editorial continues:

Are you seeking retirement, Members of the steering committees of the House and Senate? Very well; you may be accommodated two years hence if you deliberately flout the farmers of the United States.

The Agricultural Commission recommends that a Government commission be created to facilitate and encourage cooperative marketing in agricultural products. That could be accomplished by Congress in one day.

Thus does Colonel Harvey show you gentlemen how simple are your problems to solve.

It would prove to agriculturists that the Republican majority are in sympathy with agriculture and are trying to keep their pledge to place it upon a basis of economic equality with other industries.

The Agricultural Commission recommends that steps be taken to readjust freight rates on agricultural products. That could be directed by Congress without debate.

Gentlemen, how simple are your problems, your mentor tells you. Why not heed his advice?

It would show that the party in power is not a liar when it makes platform pledges to the farmer.

How credulous is Colonel Harvey, the arbiter elegantiarum of the Republican Party. He is not familiar with the records of the Republicans in dealing with the American farmer or he would not be so unkind as to remind them they are liars.

Do the Republicans in Congress think the farmers of the United States are fools, to be gulled by campaign promises and then to submit to a betrayal of pledges without retaliation?

The President asks Congress to keep faith with agriculture, representing 30,000,000 Americans. The party in power in Congress has an opportunity to keep faith. If it does not do so, it need not expect and will not deserve to remain in power.

Oh, yes, gentlemen; we all remember in the last campaign who led in this species of promises to the farmers, and this agricultural commission evidently must have consulted with the gentleman from Iowa [Mr. GREEN], because we all remember in the closing hours of the last Congress that he told farmers of the West, "You just be easy; we will by tariff subsidies make the great industrial interests of the East prosperous and then you will get the reflected prosperity," and now the Republican Party says to the poor, prostrate, emaciated American farmer, "You will be all right; just wait until we give you another tariff hyperdermic and you will get on your feet."

Gentlemen, Colonel Harvey has put it up to you. The President says, "I have put it on your doorstep. Now, you can adjourn and whittle away your time and fail to give relief to the American farmer," and Colonel Harvey says—I do not say it—if you do they will regard you as liars and they will repudiate you, and he tries to warn you by holding out to you the terrible possibilities, and pictures to you the tragic picture of that great farmer from New York [Mr. SNELL] [laughter] being defeated in the coming election.

The SPEAKER. The time of the gentleman from Arkansas has expired.

AGRICULTURAL APPROPRIATION BILL

Mr. MAGEE of New York. Mr. Speaker, I call up the conference report on H. R. 10404, the Agricultural appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on the Agricultural appropriation bill and asks unanimous consent that the statement be read instead of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 12, 14, 21, 22, 23, 24, 25, 30, 31, 32, 33, and 40.

That the House recede from its disagreements to the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 11, 13, 17, 26, 27, 28, 29, 34, 37, and 41, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,868,912"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,193,915"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,138,980"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu

of the sum proposed insert "$1,502,188"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$719,748"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,390,600"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,738,056"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,792,498"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$124,774,441"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 42.

MARTIN B. MADDEN,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

CHAS. L. MCNARY,
W. L. JONES,
ARTHUR CAPPER,
E. D. SMITH,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: Strikes out the language, inserted by the Senate, authorizing the President in meritorious cases to direct that the salaries of persons paid under the classification act might exceed the average of the compensation rates for the grade in those grades where only one position is allocated.

On No. 2: Strikes out the language, inserted by the Senate, authorizing the Secretary of Agriculture to fix rates of compensation of civilian employees in the field services of the Department of Agriculture in accordance with rates established by the classification act of 1923 for positions in the departmental service in the District of Columbia.

On Nos. 3 and 4, relating to the Bureau of Animal Industry: Appropriates $1,896,110, as proposed by the House, instead of $1,904,420, as proposed by the Senate, for additional expenses in carrying out the provisions of the meat inspection act, and corrects a total in the bill.

On Nos. 5, 6, 7, 8, 9, 10, and 11, relating to the Bureau of Plant Industry: Appropriates $108,095, as proposed by the Senate, instead of $106,000, as proposed by the House, for the investigation of diseases of forest and ornamental trees, and inserts the language proposed by the Senate providing that not more than $10,000 may be expended for the employment of pathologists in connection with forest experiment stations; appropriates $699,340, as proposed by the Senate, instead of $680,000, as proposed by the House, for the investigation and improvement of cereals; appropriates $140,695, as proposed by the Senate, instead of $130,695, as proposed by the House, for sugar-plant investigations; appropriates $154,825, as proposed by the Senate, instead of $149,825, as proposed by the House, for the investigation and improvement of fruits, etc.; and corrects totals in the bill.

On Nos. 12, 13, 14, 15, 16, and 17, relating to the Forest Service: Strikes out the language proposed by the Senate which provided that so much of the appropriation for fighting forest fires as might be necessary should be immediately available; appropriates $50,000 and inserts the language proposed by the Senate for cooperation with the War Department in establishing an airplane patrol to prevent forest fires; appropriates $25,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for the construction of sanitary facilities on public camp grounds in the national forests; corrects totals in the bill; and inserts the word "departmental" as proposed by the Senate in the limitation upon the amount which may be expended for personal services in the District of Columbia.

On Nos. 18, 19, and 20, relating to the Bureau of Chemistry: Appropriates $35,000 instead of $50,000 as proposed by the Senate, and $30,000, as proposed by the House, for the investigation and demonstration of improved methods of preparing naval stores and the enforcement of the naval stores act; and corrects totals in the bill.

On Nos. 21, 22, 23, 24, and 25, relating to the Bureau of Soils: Appropriates $25,640, as proposed by the House, instead of $30,640, as proposed by the Senate, for chemical investigations of soil types; appropriates $13,145, as proposed by the House, instead of $15,145, as proposed by the Senate, for physical investigation of the important properties of soil which determine productivity; and corrects totals in the bill, including the adjustment of the sum which may be expended for personal services in the District of Columbia.

On Nos. 26, 27, 28, and 29, relating to the Bureau of Entomology: Appropriates $75,000, as proposed by the Senate, instead of $73,590, as proposed by the House, for investigations of insects affecting forests, and corrects totals in the bill, including the adjustment of the sum which may be expended for personal services in the District of Columbia.

On Nos. 30, 31, 32, and 33, relating to the Bureau of Biological Survey: Appropriates $58,215, as proposed by the House, instead of $55,000, as proposed by the Senate, for the maintenance of bird and mammal reservations; restores the language proposed to be stricken out by the Senate providing that $12,000 may be used for the construction of a highway through Sullys Hill National Park; and corrects totals in the bill.

On Nos. 34, 35, 36, 37, 38, and 39, relating to the Bureau of Agricultural Economics: Appropriates $550,988, as proposed by the Senate, instead of $542,865, as proposed by the House, for disseminating useful information on subjects connected with the marketing, handling, and distribution of farm products, and inserts the language proposed by the Senate which provides that $25,000, or so much as may be necessary, shall be available for completion of the investigation of the economic costs of retail marketing of meat and meat products; inserts the language proposed by the Senate to make effective agreements made or to be made with cotton associations in foreign countries for the adoption of universal standards of cotton classification, etc.; and corrects totals in the bill, including the adjustment of the sum which may be expended for personal services in the District of Columbia.

On No. 40: Strikes out the language, proposed by the Senate, authorizing the Secretary of Agriculture to apportion the sum of $7,500,000 among the several States and Territories and to enter into contractual obligations upon the part of the Government for the payment of obligations incurred in the construction of forest roads and trails.

On No. 41: Inserts the word "departmental," as proposed by the Senate, in the limitation upon personal services in the District of Columbia in the appropriation for carrying out the provisions of the Federal highway act.

On No. 43: Corrects the total of the bill.

The committee of conference have not agreed to the following amendment of the Senate:

No. 42: Relating to language, proposed by the Senate, authorizing the Secretary of Agriculture to enter into leases for several buildings for a period of not to exceed 10 years.

MARTIN B. MADDEN,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

Mr. MAGEE of New York. Mr. Speaker, I wish to make a brief statement in explanation of the conference report.

There were 43 amendments of the Senate proposing appropriations aggregating $243,315 in excess of the amount carried in the bill passed by the House. The Senate receded in 16 of the amendments and the total of the recessions amounted to

$132,347. The House receded in 16 amendments with a total of recessions amounting to $110,968. The bill passed by the House carried appropriations aggregating $124,663,473, and as finally agreed upon in conference carries $124,774,441, or an increase of $110,968.

The increases which go to make up this sum may be enumerated as follows:

For investigation of diseases of forest and ornamental trees	$2,095
For investigation and improvement of cereals	19,340
For sugar-plant investigations	10,000
Investigation and improvement of fruits, including studies of changes during marketing	5,000
Establishment of airplane patrol to prevent forest fires	50,000

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield right there?

Mr. MAGEE of New York. I will.

Mr. LAGUARDIA. Is that a new service entirely?

Mr. MAGEE of New York. No; this is an additional appropriation.

Mr. LAGUARDIA. Is it their own service or does it hire people to do the work?

Mr. MAGEE of New York. It is in cooperation with the War Department, and this is an additional appropriation for the service.

Improvement of methods of preparing naval stores	$5,000
Investigations of insects affecting forests	1,410
Marketing and distribution of farm products	8,123
Market-news service	10,000
Total	110,968

Does the gentleman from Texas desire any time?

Mr. BUCHANAN. I simply want to put in the RECORD a statement regarding cotton standards.

Mr. MAGEE of New York. I yield two minutes to the gentleman from Texas [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, in order to keep the record straight, I wish to print in the RECORD a statement regarding cotton standards amendments and the universal adoption of the cotton standard prescribed by the United States.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The statement is as follows:

STATEMENT REGARDING COTTON STANDARDS AMENDMENT AND THE UNIVERSAL ADOPTION OF THE COTTON STANDARD PRESCRIBED BY THE UNITED STATES

As a result of the enactment of the United States cotton futures act the official cotton standards of the United States are the sole standards of classification used on all future and spot cotton exchanges in the United States; but this act is not mandatory as to transactions involving sales of cotton off the exchanges or in foreign commerce. Nearly half of our cotton is exported and a large part of it has been sold on the basis of rules established by various foreign cotton associations or exchanges, the principal one of which is the Liverpool Cotton Association, but others of importance are the cotton exchanges at Manchester, England; Havre, France; Bremen, Germany; Rotterdam, Holland; Ghent, Belgium; Milan, Italy; and Barcelona, Spain. The Liverpool Exchange and some of the others have had boards of arbitration and standards of classification different from the official cotton standards of the United States. This is particularly true of Liverpool, which in the past has occupied a dominating position in the world's trade, and a large part of the cotton exported from this country has been sold on the basis of Liverpool cotton standards and Liverpool arbitration of disputes thereunder.

In the past negotiations with Liverpool to bring about an agreement with the United States on the same standards of classification failed because of the insistence of Liverpool on adherence to Liverpool standards, which are not suitable from an American standpoint. This condition has been unsatisfactory to the American cotton trade and has constituted a material factor in sales of cotton in export trade. As a result the United States cotton standards act was enacted on March 4, 1923. This act makes the use of the official cotton standards of the United States mandatory in interstate or foreign commerce wherever any standards of classification are used, thus substituting these standards for the standards of the Liverpool Cotton Association or any other foreign association, and placing in the hands of the Secretary of Agriculture the power to determine disputes regarding the correct application of these standards. With the support of this legislation, the Secretary of Agriculture was able to bring about an agreement by the Liverpool Cotton Association and all the other foreign exchanges to adopt and use the official cotton standards of the United States, determined upon by agreement between all interested parties, as the universal standards, and to base all arbitrations in foreign countries involving American cotton on these standards. This agreement included also the appointment of the boards of arbitration of the Liverpool and other foreign exchanges as cotton examiners under the cotton standards act for the purpose of arbitrating any disputes as to the classification of American cotton sold on the basis of the rules of these foreign exchanges, on condition that such arbitrations should be on the basis of the universal standards as agreed upon.

A large element in the Liverpool Cotton Association has been opposed to any such agreement with the United States because of the feeling that the association was thereby relinquishing its dominating position and control over the classification and arbitration of American cotton in export trade, and sometime subsequent to the making of the agreement a misunderstanding developed in that association as to certain copies of the Official Cotton Standards, which were distributed by the Department of Agriculture, as a result of which the Liverpool Cotton Association gave notice of termination of the contract, effective August 1, 1925. Following this we were advised through the American Embassy at London that the solicitors of the Liverpool Cotton Association and the Manchester Cotton Association had advised their respective exchanges that, in the absence of specific provision in the law for such an agreement with the foreign exchanges, the action of the Secretary of Agriculture was unauthorized, and therefore the agreements were void.

Following the issuance of the notice of the Liverpool Cotton Association new negotiations were had with all of the foreign exchanges, as a result of which all of them, with the exception of the Liverpool Cotton Association, entered into supplemental agreements with the Secretary of Agriculture recognizing the original agreement and providing for more detailed methods satisfactory to all parties involved for carrying the original agreement into effect. However, it is understood that the opinions of the solicitors of the Liverpool and Manchester cotton associations have created a great deal of uncertainty on the foreign exchanges which, from the standpoint of this department, is unnecessary and should be removed by appropriate action by Congress. Consequently it is proposed that in the pending agricultural appropriation bill, H. R. 10404 (Senate print of December 10, 1924), on page 61, in line 2, preceding the sum of the appropriation, there should be inserted substantially the following language:

"including such means as may be necessary for effectuating agreements heretofore or hereafter made with cotton associations, cotton exchanges, and other cotton organizations in foreign countries for the adoption, use, and observance of universal standards of cotton classification, for the arbitration or settlement of disputes with respect thereto, and for the preparation, distribution, inspection, and protection of the practical forms or copies thereof under such agreements."

This will make it clear that Congress has in mind the action that the Secretary of Agriculture has taken in promoting the use of the Official Cotton Standards as universal standards and the agreements with the foreign exchanges, and that Congress recognizes these agreements as having been authorized by the cotton standards act. The Solicitor of the Department of Agriculture has approved from a legal standpoint the agreements that have been entered into between the foreign exchanges and this department and considers them to be within the authority of the Secretary of Agriculture and necessary to the accomplishment of the purposes of the cotton standards act. This act expressly provides that "for the purposes of this act the Secretary of Agriculture shall cause to be promulgated such regulations, may cause such investigations, tests, demonstrations, and publications to be made * * * and may cooperate with any * * * person as he shall find to be necessary," and expressly authorizes the appropriation of such sums as may be necessary for carrying out the provisions of the act.

It is not considered that this additional language constitutes additional legislation in any respect, but merely a recognition of the purposes for which the appropriation may be expended, but it is very desirable in order to reassure the foreign exchanges that have cooperated with this department, and it is believed will remove any doubt in their minds as to the authority of the Secretary of Agriculture. Moreover, it is essential in the interests of the American cotton industry that the universal standards be preserved in full force and that all trading in foreign commerce be done on the basis of these standards.

Mr. MAGEE of New York. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC. Mr. Speaker, on Tuesday of this week I made a statement on this floor in which I told the House that I had been unofficially informed that bombs containing sand were dropped from planes on the deck of the U. S. S. *Washington* when the same was sunk during the month of November. The Washington Evening Star, under date of Wednesday, February 4, carried the following statement from the Navy, which denies the authority of my statement, and is as follows:

Statement on the floor of the House yesterday by Representative McCLINTIC, Democrat, of Oklahoma, that he had been informed unofficially that bombs loaded with sand had been used by the Navy

planes which made the attack on the battleship hull *Washington* last December brought to light in the Navy Department to-day that no bombs of any description had been released from airplanes in flight on the incompleted man-of-war.

Notwithstanding the fact the officials of the Navy state that no bombs were dropped on this ship, the report that bombs loaded with sand or cement has been in general circulation for quite a while, and nearly every person in the country who takes an interest in the subject of aircraft has had this information. There is ample reason for this report, and I respectfully call the House's attention to this newspaper article, which was published in the New York Times under date of November 26, which is as follows:

Admiral Eberle said to-night he is much pleased with results of the tests, which are considered to be very satisfactory. The next stage of the test came on Sunday, when two planes were sent out from Hampton Roads base to test bombs on the decks of the *Washington*. These were not loaded with explosives, but were loaded with armor-piercing bombs.

I think I can be safe in saying that practically every Member of Congress was of the impression that bombs had been dropped from planes on the *Washington* and that aircraft had failed to sink this ship. In other words, some one connected with the Navy caused the impression to go out to the American people that planes were going to be used in the sinking of this ship. Therefore the people gained the idea that the *Washington* had withstood all the efforts put forth to sink it, and that she was of such construction as to be able to resist gunfire and bombs dropped from planes. In view of the statement that has recently been given out by the Navy that no bombs were dropped, then the American people must give credit to the statement made by General Mitchell, which is in effect that if the Army had been allowed to use their bombing planes for this purpose that they could have sunk the *Washington* in three or four minutes. I feel that there is a deliberate intent on the part of certain officials connected with the Navy to libel the efficiency of aircraft, and my only object in presenting this information to the House is to urge every Member to do his duty, so that those who are determined to keep this branch of the service from becoming developed shall not be successful.

I also wish to call attention to the following newspaper articles which were published relating to this subject, all of them calling attention to the fact that bombs dropped from planes were to be used in sinking the *Washington:*

[From the New York American, November 21, 1924]

NORFOLK, VA., November 20.—To-morrow the $30,000,000 ship, to save which a court fight was instituted by W. B. Shearer, of New York, will be subjected to further bombardment with 14-inch shells, and 45 bombs, each weighing 2,000 pounds, may be dropped on her decks by nine bombing airplanes, which will attack her.

The attack to-day was made by the battleship *Texas*, which opened a series of ring tests against the hull of the ship. Although the *Washington* is battered and torn by the terrific bombardment, her hull was reported free of water to-night.

BOMBING PLANES ATTACK

To-morrow nine bombing planes each carrying five bombs will attack the *Washington* at altitudes varying from 2,000 to 4,000 feet. The planes will fly over the *Washington* in battle formation. Each plane will drop two bombs as it passes over the target.

If the *Washington* is still afloat after the last plane has dropped its bombs, a second attack will be made, and if necessary, a third bombardment.

[From the New York American, November 22, 1924]

NORFOLK, VA., November 21.—To-day the bombardment of the hull of the *Washington* was of tremendous proportions. No less than 30,000 pounds of explosive from planes alone were dropped on her.

The *Texas* will try to finish the job with shell firing to-morrow, if she is still afloat after this rain of death.

[From the New York American, November 23, 1924]

NAVAL BASE, HAMPTON ROADS, VA., November 22.—A squadron of six naval bombing planes, each carrying a single 1,600-pound shell, will attempt to-morrow to send the nearly completed superdreadnaught *Washington* to the bottom of the Atlantic Ocean at a point 60 miles off the Virginia capes.

This was the plan decided upon to-day by naval officials after a two-day bombardment by the battleship *Texas* had failed to sink the $30,000,000 hull.

SURE THEY WILL DO IT

The six bombing planes will hop off from Hampton Roads at one-half hour intervals to-morrow morning, the first plane starting at 8 o'clock. The air squadron will be in charge of Lieutenant Commander Montgomery.

Naval officials said to-night there is little doubt the planes will accomplish what the *Texas* failed to do.

If any of the 1,600-pound shells score a good hit, it will be enough to send the already battered hull of the big warship to the bottom.

The plane bombardment was scheduled for to-day but was postponed until Sunday on account of the heavy fog which enveloped the Virginia Capes since early morning.

INVISIBLE 2 MILES OFF

The *Washington*, anchored in 47 fathoms, was invisible to-day to the members of the special Navy board on the *Texas* 2 miles to the westward.

If the weather remains foggy to-morrow the air attacks will be postponed again until the visibility is sufficient to permit the experts on the *Texas* to watch the effect of the bombs on the hull.

Thus it can be seen that some one in the Navy is credited with having given reliable information to the press that bombs containing explosives were being dropped on the hull of the U. S. S. *Washington*, and in view of the further fact that nearly every newspaper in the Nation published articles similar to the ones I have just read, the people of the Nation were deceived into believing that aircraft had played an important part in this connection and had failed to do any damage to this ship. Such deception as this is dishonest. The citizens of our country are entitled to the best protection that Congress can give, and inasmuch as it has been demonstrated that battleships can be sunk by the use of bombs then, in my opinion, it is the duty of every Member of Congress to support those who are willing to help make this branch of our defense as efficient as possible.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. LAGUARDIA. Was it the gentleman's opinion that the *Washington* was actually bombed from the air with bona fide bombs?

Mr. McCLINTIC. I take the word of the naval officials that no bombs were dropped that contained any explosives. Therefore the American people were led to believe by newspaper reports given out by some one in the Navy that bombs were used, that they failed, and that aircraft was of no good when it came to the sinking of this ship.

I was told this morning by a person who stands high in the estimation of the American public that two bombs were dropped on this ship containing no explosives and that they pierced clear down into the second deck of the ship, and I take it that this was the reason that the interview was given by one of the officers of the department that real bombs were dropped on the deck of the *Washington* which contained no explosives, as published in the New York Times.

It seems to me that a deliberate attempt was made by some one to mislead the American public, and I daresay that a majority of Members of Congress on the floor thought that our planes were used in this contest. Now the statement is made that no bombs were dropped on the deck of the *Washington*. In other words, a sort of camouflage was used in this connection when it came to publicity, and those who were in charge of the different functions apparently knew that bombs were not used that contained explosives, and yet they allowed these reports to be circulated in all of the newspapers throughout the Nation until the American public believed that the *Washington* was so constructed that it was impregnable when it came to being sunk by airplanes dropping bombs from the air.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield further?

Mr. McCLINTIC. Yes.

Mr. LAGUARDIA. In all likelihood, then, the Secretary of the Navy has been deceived, because he appeared before the Naval Committee after the bombing of the *Washington* and made the bold statement that modern battleships were invulnerable to sinking from the air.

Mr. McCLINTIC. In that connection I wish to say that there was published an article which reads as follows:

Admiral Wells, commandant of the naval base here, announced shortly after 5 o'clock this afternoon that he had just received a radiogram from the *Texas*, which had been bombarding the *Washington*, that the vessel was sunk at 11 o'clock this morning.

Conflicting statements which had been issued by officials of the Navy Department in Washington and officers attached to the base in Hamp-

ton Roads here had shrouded in mystery the ultimate purpose of the maneuvers directed on the hull of what would have been the most modern and impregnable superdreadnaught afloat.

The announcement from Admirals Hughes and Wells burst like a bombshell in local Navy circles here, following, as they did, the statement by Secretary of the Navy Wilbur that the *Washington* had so far not been subjected to direct attack by either the *Texas* or by bombing planes from the base here.

In other words, it would seem from the reports published in the newspapers that one set of officials of the Navy were giving out one line of information and another set in the Navy were denying the same.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. TILSON. Is it not possible that the gentleman is doing an injustice to the Navy? Is it not possible that they actually practiced the dropping of these bombs of cement so as to test their accuracy in hitting a target, and that in reporting it there was simply a report that they were effective or ineffective? I mean by this, constructively effective; that is, if the cement bomb made a hit, it is assumed that had it been a real bomb it would have been an effective shot. If the cement bomb missed the target, however, it would not have been recorded as effective.

Mr. McCLINTIC. I do not wish to misquote or impugn the motives of any person in the Navy, but there was published in the Washington Star yesterday a statement that no bombs were dropped when this ship was sunk, and I want to keep the record straight.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. MAGEE of New York. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Speaker, I rise to bring to your attention and to the attention of the country the road-building situation of the Nation. You will recall that the House last spring passed a good roads bill carrying $150,000,000 to cooperate with the States in the construction of highways and $13,000,000 for the improvement of roads and trails in the national forests. This contemplated a two-year program. We had it in mind that this bill would be passed by the Senate and become a law before January 1, 1925. Under the present law the Secretary of Agriculture apportions to the States the amount of money due them from the Federal aid appropriation on or before June 30 of each year. This plan did not give the Federal Government and the State highway departments sufficient time to plan for the future, so there is provided in this bill that the Department of Agriculture should apportion to the States the amount of money authorized on January 1 of each year instead of June 30. But the 1st of January has come and gone and this bill still lingers without final action. No doubt you have been observing the proceedings in another body on this bill and the propaganda that is being put out throughout the country. All the friends of good roads should take note of the fact that there is a tremendous fight on not only in the National Capital but throughout the country; there is a determined attack being made on this bill and on Federal aid for the purpose of defeating it. Many alleged reasons are being assigned. Some say that Federal aid is an invasion of State rights, others claim it is opposed by the President, and still others claim that it is a waste of public funds and a burden on the taxpayers of the Nation. In order that there may be no dispute as to the attitude of the President and the Republican Party on this important question, I desire to read a part of the first message that President Coolidge delivered to Congress, and it is as follows:

> Everyone is anxious for good highways. I have made a liberal proposal in the Budget for the continuing payment to the States by the Federal Government of its share for this necessary public improvement. No expenditure of public money contributes so much to the national wealth as for the building of roads.

The Republican National Convention at Cleveland, Ohio, June 11, 1924, put in the platform the following plank:

> The Federal aid road act adopted by the Republican Congress in 1921 has been of inestimable value to the development of the highway system of the several States and of the Nation. We pledge a continuation of this policy of cooperation with States in highway development.
>
> We favor the construction of roads and trails in our national forests necessary to their protection and utilization. In appropriations therefor the taxes which these lands would pay if taxable would be considered as a factor.

This was a solemn declaration to the American people that if the Republican Party should win in November, that Federal aid for roads would be a part of the policy of the Republican administration for four years. The friends of good roads voted for President Coolidge because they wanted a friend of good roads at the head of the Nation. There is no doubt in my mind but what the President is sincerely in favor of the Federal aid roads program, and the Republican Party is in favor of continuation of this program. The Budget approved by the President provided for $85,000,000 a year for a 2-year program, and we feel confident that those who are using the name of the President to defeat the good roads bill and Federal aid roads program are doing so without his approval. Mr. Speaker, some of the big railroads of the country and some of the big interests are behind this movement to defeat Federal aid for roads. The propaganda is being circulated through many of the newspapers that about 75,000 miles of railroads in America have been rendered unprofitable because of the growing use of the public highways for commerce and travel. It is contended by some of the railroads that good roads are killing their business through the very extensive use of the motor vehicle. Some of the railroads are circulating pamphlets and other propaganda among their employees and the traveling public, urging opposition to Federal aid.

It seems all these have been for some time laying the groundwork for effective opposition, and they are now pushing this plan with great vigor. Their plan is to kill Federal aid. The bill is being attacked. These attacks will continue. If the enemies of Federal aid can not defeat the present bill they will try to reduce the amount fixed by this House and thereby render the cooperation with States ineffective, and ultimately destroy cooperation. I think this is an unwise policy for the country. As declared by the President in his message, and as declared by the last Republican National Convention, Federal aid is of very great value to the country as a whole. The President very wisely stated:

> No expenditure of public money contributes so much to the national wealth as the building of roads.

Under the act of 1921 the Federal Government, in cooperation with the States, has laid out a great system of highways, embracing nearly 200,000 miles of roads. This system reaches practically every county seat, populous and industrial center of the Nation, and when completed will bring a good road within at least 2 miles to 85 per cent of the Nation's population. This system not only contemplates the transcontinental lines, but the farm-to-market roads, the intercounty roads, bringing the producers and the consumers of the Nation together. This system is not only of great value to the factory, mine, forest, and farm, but is of inestimable value to the schools, the homes, and the churches. Furthermore, it is a matter of great national defense, as something like 60,000 miles of this system are located so that they will become great military roads in the event of war, enabling our country to mobilize its resources and man power quickly, cheaply, and efficiently. There is a great cry in the Nation against oppressive transportation rates. These higher rates, along with good roads, have taken much of our transportation from the railroads and given it to the motor vehicles, where it can be carried—for short hauls at least—cheaper, quicker, and with less breakage. In many cases the improved highways are affecting the revenues of the railroads, and because of this they are fighting the road program. They are looking out after their own interests. Is it not our duty to look out for the interests of millions who live on the farms, in the villages, and rural communities? I think the time will come when transportation by rail will be largely confined to long hauls and very heavy cargoes, but the lighter cargoes and passengers on short hauls will be taken care of by motor vehicles on the highways. I am anxious to see a great system of good roads, so that the farmer can take his products to market cheaply and quickly, and so that the people in the rural sections may have some of the advantages of the more populous communities.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. HUDSPETH. I have a letter signed by every member of the Texas State Highway Commission to the effect that my State is now ready to inaugurate its program for this year, but they have not a dollar of Federal money with which to match the State money. It is a fact that this bill is now the unfinished business before the Senate and can not be displaced except by unanimous consent.

Mr. ROBSION of Kentucky. I understand that is the status of the road program in the Senate. Because of the delay in the passage of this bill many States are in the same situation as the State of Texas. They have no Federal funds to match their State funds until this bill is passed and becomes a law.

I am calling upon the friends of this bill in the House, and I am calling upon the friends of this legislation in the Nation, to do everything that may be done to bring about speedy action. I furthermore warn you that there is a real effort on to defeat this measure.

Mr. HUDSPETH. I am in hearty accord with the gentleman.

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. ROBSION of Kentucky. I will yield to the gentleman from Washington.

Mr. SUMMERS of Washington. There is a concerted movement on the part of certain big interests to destroy our whole Federal aid for roads program. There is propaganda being distributed by unsuspecting economists and sometimes by unsuspecting newspapers. The gentleman from Kentucky is performing a great public service in bringing this matter before the House and the country.

Mr. ROBSION of Kentucky. I have been trying to say there is a real fight on, gentlemen; some of the big railroads in America and others are attacking the highway program in dead earnest. Some of them have come out openly and others are doing it secretly.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. ROBSION of Kentucky. I will.

Mr. LAZARO. I believe all friends of highway transportation agree with the gentleman. I understand transportation means the development of railroads, highways, and waterways. I wonder why we can not pass the rivers and harbors bill.

Mr. ROBSION of Kentucky. I agree with the gentleman that there ought to be close cooperation between rail, water, and highway transportation. The means of transportation are to the commerce of the country what the arteries are to the body. Through and by our means of transportation we carry the products of food, heat, shelter, light, and clothing to the consumers of these products. Transportation comes to every man's door in the Nation. We should have good roads to carry the products to and from the farm, field, and factory to the railroads and the water lines, so that there might be the closest relation possible maintained between the producers and the consumers of the country. Highway transportation to the average citizen of this country is of more importance than either one of the other agencies. The good roads question touches each and every fireside in America. Perhaps 75 per cent of the travel and commerce is carried over the highways.

Mr. LAZARO. I fully agree with the gentleman, but I want to get the gentleman's views. I am with him on good roads, and I thought maybe he knew why we could not pass a rivers and harbors bill.

Mr. ROBSION of Kentucky. I know that some of the great railroads of the Nation have for years been fighting water transportation, and they are still fighting water transportation. Not long ago some of the great railway executives declared that it would be a great thing for America to fill up the Panama Canal and close it to commerce. Like the gentleman, I am anxious to see our rivers and harbors improved where they are necessary for the service of the people. It would be bad faith on the part of the Government to withdraw Federal aid. Under the Federal highway act and its amendments we required the States to change their laws, and in some instances to change their organic laws, in order to meet the requirements of the Federal Government for Federal aid, and I think every State has changed its laws, and many of them their constitutions, in order to meet the requirements of the Federal Government to secure Federal aid.

The Federal Government, in cooperation with the State, has laid out a great system of highways. Only about 70,000 miles of this system has been completed, and this means that only a part or parts of the system in each particular section of the country have been completed. It would be a breach of good faith if the Federal Government should now withdraw Federal aid, and it would mean the destruction of this great program and you would have patchwork of good roads only throughout the Nation. Good faith and fair dealing, the welfare and the prosperity of the Nation demand that the Federal Government continue Federal aid until this great system is completed. To withdraw Federal aid would greatly discourage the friends of good roads and the spirit of road building everywhere.

Mr. GARRETT of Tennessee. May I ask the gentleman from Kentucky if he has given such thought to the matter as to enable him to say how long Federal participation should continue?

Mr. ROBSION of Kentucky. Some years ago we had a program that contemplated at least $100,000,000 per year of Federal aid. If this program had been adhered to, it would require about 10 or 12 years more to complete the system. If our program should carry $75,000,000 per year of Federal aid it would require something like 15 years to complete the program. There has been some cutting down of the program in one way or another, and I was advised only yesterday by those in authority that if the present plan was adhered to, it might require something like 18 or 20 years to complete this system. It seems to be the policy of the opponents of Federal aid for roads to kill the plan outright, and if they can not kill it outright they want to starve it to death with small appropriations. We need highways more than any other one thing perhaps. The people generally approve money honestly spent for roads. It means much to the development and wealth of the Nation, and more, it adds so much to the farm, to the home, to the church, to the school, and the general uplift and upbuilding of the country. No section of the country can get above its roads. If the roads are in the mud, the farms, villages, schools, churches, homes, and the people are in the mud, but just as soon as good roads come it lifts all of these and places them on the solid foundation of development, progress, prosperity, and happiness. [Applause.]

Mr. MAGEE of New York. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, my papers from my office are not here at this moment, and I shall take time later in the afternoon.

Mr. MAGEE of New York. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will read the amendment in disagreement.

The Clerk read as follows:

Amendment No. 42, page 79 of the printed bill, after line 15, insert: The Secretary of Agriculture is authorized to enter into leases for the Bieber Building, 1358 B Street SW., and the warehouse now under construction at the southeast corner of Linworth Place and C Street SW., for a period not to exceed 10 years, provided in his judgment it is of advantage to the Government of the United States to do so. Such leases shall have the approval of the Public Buildings Commission.

Mr. MAGEE of New York. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

BLATTMANN & CO.

Mr. EDMONDS. Mr. Speaker, I would like to present a conference report for printing under the rule on the bill S. 555.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 555) for the relief of Blattmann & Co.

The SPEAKER. Ordered printed under the rule.

SENATE BILLS REFERRED

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3818. An act authorizing the construction of additional facilities at Walter Reed General Hospital, in the District of Columbia; to the Committee on Military Affairs.

S. 3977. An act to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service; to the Committee on Military Affairs.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11505).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes.

The CHAIRMAN. When the committee rose yesterday an amendment was pending offered by the gentleman from Kansas. The question is on agreeing to that amendment.

The question was taken, and the amendment was rejected.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. JONES: On page 29, line 8, after the word "each," insert the following: *Provided*, That of the sums herein appropriated the amounts to be expended by the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation for attorneys, counselors, and law clerks shall not exceed $200,000.

Mr. WOOD. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. What is the point of order?

Mr. WOOD. That it is legislation pure and simple.

Mr. JONES. Mr. Chairman, this is a limitation, as I understand it, purely and simply limiting the amount to be expended for attorneys, counselors, and law clerks. If that is not a limitation, I do not know one.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard on the point of order?

Mr. WOOD. Yes. This is not a limitation. It is a limitation on the discretion of the executive head of the legal department as to the amount of money he may expend in employing necessary legal talent, but it does not limit expenditures at all as far as the Shipping Board is concerned. A sum of $500,000 might be required for the purposes of paying the expenses of the legal department.

Mr. JONES. The amount shown by the hearings is $200,000, to be expended for this service. That is found on page 466 of the hearings. That is a limitation. It can not be anything but a restriction, that it shall not exceed that amount.

Mr. WOOD. Here is the point, I will say to the gentleman from Texas: It is not a limitation on the total appropriation. It is a limitation on the amount that they may expend for legal services.

The CHAIRMAN. The Chair is ready to rule. Of course, it is proper for the House to limit an appropriation carried in a general appropriation bill to any amount it sees fit. If it wishes to prescribe that no part of this appropriation shall be spent for attorneys and counselors, it may do so. It can certainly indicate within the amount appropriated how much of it may be expended for the particular authorized purpose set out in the amendment. The Chair overrules the point of order.

Mr. JONES. Mr. Chairman and gentlemen of the House, I have no desire to hamper the work of the corporation or either division of it. But two years ago we had this proposition under discussion and were given assurance that with the number of attorneys they had then they would be able to wind up most of the work, except the general legal work that would be required in operation, and we were told that they had certain claims that would be gotten through with within a year, and that thereupon the number of attorneys and law clerks would be very materially reduced.

On page 466 of the hearings it is indicated that they have 34 lawyers at the home office, with salaries ranging from $3,000 to $18,000 each. They have also a great number of law clerks, and in the field they have a great many more, as set out on pages 466 and 467 of the hearings, or a total of about 80 lawyers and law clerks. I will insert the list in the RECORD.

Now, it seems to me that they ought to be able to get along with $200,000 for legal services. Out in the field, where it does not involve a maritime question, the Department of Justice could be used, and with $200,000 available for lawyers it seems to me they should be able to conduct their business efficiently on that basis.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. WATKINS. In many of these cases the testimony discloses that paid attorneys are receiving much more than United States district attorneys.

Mr. JONES. Yes. Their paid attorneys are receiving much more than United States district attorneys, and I think this amendment offers a chance to economize without interfering with the work of the commission. They have a United States Shipping Board, and they have a United States Shipping Board Emergency Fleet Corporation. They have a department of law and a bureau of law, and, as has been suggested, it seems that there would be as much sense in having a bureau of fisheries and a bureau of fish as there is in having a department of law and a bureau of law.

I realize the desire of everyone for economy, and I also realize the great work that falls upon the members of the Committee on Appropriations, and the good work they have done. But there is not anything in the hearings that develops just what all these lawyers are doing. They have now as many lawyers and law clerks as they had four years ago, when their excuse was that they had a great many claims pending that must be adjusted. I believe thoroughly that if the House will vote to cut this appropriation from around $400,000, which it is now, to $200,000 they will be able to do the work without any loss of efficiency.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. EDMONDS. Of course, the gentleman will recognize that new claims are coming up every day?

Mr. JONES. Of course, new claims are coming up every day, but it seems to me that the old organization could take care of the new claims as well as the old claims, and you do not need a $6,500 or a $10,000 lawyer to pass on claims. The great corporations of the country have their legal department and their claim agents, and the claim agents can do a lot of work in the adjustment of claims that do not require the service of a high-priced man. Besides, it has been stated heretofore that most of these claims were old and when they were adjusted the new ones would be much fewer.

Mr. EDMONDS. The gentleman will realize, however, that admiralty cases require high-class men.

Mr. JONES. Yes. There are 34 lawyers in the general office of this corporation, and there are four of them drawing $10,000 a year, and a number of them drawing $6,000 and $7,000 a year, and one of them $18,000. I do not object to the size of the salary, but to the number. It does not seem to me that they ought to have that large number. Does the gentleman think so?

Mr. EDMONDS. There are two services that you must remember; one the service of the Shipping Board, and the other with respect to the legislation that may be enacted in other countries besides ours; legislation covering tariffs and export duties.

Mr. JONES. There are some of these lawyers in New York and some in San Francisco and in Seattle, and then they have 34 lawyers in the home office. Does the gentleman really think they need that many?

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, for the purpose of inserting the list of lawyers and law clerks now employed by the Shipping Board and the Emergency Fleet Corporation.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JONES. Mr. Chairman, under the leave granted to extend my remarks I insert the following:

ATTORNEYS AND LAW CLERKS, HOME OFFICE

	Salary
Chauncey G. Parker, general counsel	$18,000
Stephen Barker, assistant to general counsel	7,500
E. M. Allison, jr., special counsel	10,000
Henry M. Ward, special counsel	10,000
Glen R. Snider, admiralty counsel	10,000
Harold F. Birnbaum, attorney	3,300
Arthur R. Boal, assistant admiralty counsel	7,000
Frederick R. Conway, attorney	6,500
William R. Fitch, attorney	5,000
Jerry C. Massey, attorney	4,500
Willis E. Monty, attorney	4,200
Oliver P. M. Brown, assistant counsel	8,000
A. W. Degoosh, assistant counsel	3,900
James Talbert, assistant counsel	10,000
W. D. Casey, assistant counsel	3,300
Walter D. Davidge, assistant counsel	4,000
Daniel A. Dunning, assistant counsel	6,000
Rowland S. H. Dyer, assistant counsel	6,500
John E. Fetzer, assistant counsel (on home office roll but in New York)	7,500
Geoffrey Goldsmith, assistant counsel	7,500
Ralph H. Hallett, assistant counsel	7,500
Clinton M. Hester, assistant counsel	3,300
Wirt Howe, assistant counsel	6,000
Richard F. Jones, assistant counsel	7,500
Harry Long, assistant counsel	8,500
Joseph McCormack, assistant counsel	6,000
Isaac V. McPherson, assistant counsel	7,000
Thomas H. Madigan, assistant counsel	7,000
John B. Meserve, assistant counsel	9,000
W. W. Nottingham, assistant counsel	6,000
Caleb Powers, assistant counsel	6,500

	Salary
Wade H. Skinner, assistant counsel	$5,000
Clyde Wendelken, assistant counsel	3,300
Paul W. Knox, assistant counsel (on home office roll but in New York)	4,500
LAW CLERKS	
John MacC. Hudson	3,000
Joseph F. McPherson	3,000
Edith L. Archey	2,400
James J. Clark	1,800
Wesley M. Mewer	2,400
Donald C. O'Regan	1,560
SPECIAL EXAMINERS, HOME OFFICE	
F. K. Hill, nautical adviser	6,000
Tilden Adamson, special examiner	10,000
Evelyn B. Baldwin, examiner	2,400
A. L. Lansdale, special examiner	5,000
A. S. Morrison, special examiner	6,000
Richard W. Stuart, examiner	2,700
C. E. Warner, jr., examiner	3,600
H. T. Fielding, special examiner	8,940
J. F. Overend, special examiner	7,000
James E. Vaughan, jr., special examiner	6,460
N. C. Finninger, special examiner	6,440
ATTORNEYS AND LAW CLERKS, DISTRICT OFFICES	
Admiralty: NEW YORK	
A. M. Menkel, assistant counsel	6,000
R. B. Roumaine, assistant administrative counsel	6,000
W. Schaffner, assistant counsel	4,700
F. A. Whitney, assistant counsel	4,000
H. M. Gray, administrative attorney	7,500
C. E. Wythe, assistant administrative attorney	6,000
G. A. Washington, assistant to administrative counsel	5,000
W. B. Gray, administrative attorney	3,300
Legal:	
E. G. Wandless, assistant counsel	7,500
G. Biddle, assistant counsel	6,500
J. C. Hawkins, assistant counsel	3,500
A. G. Kirby, assistant counsel	3,000
LAW CLERKS	
C. W. Burrows	2,400
E. W. Rossuck	1,300
F. W. Morton	2,500
N. Randall	1,800
SAN FRANCISCO	
J. J. Dwyer, district counsel	6,000
H. F. Gardner, law clerk	2,700
PORTLAND, OREG.	
M. Snow, district counsel	6,000
SEATTLE, WASH.	
Charles E. Allen, assistant district counsel	5,000
LONDON	
L. E. Anderson, legal adviser	6,000
J. K. White, administrative attorney	6,000
J. A. Gregory, assistant legal adviser	3,900
NORFOLK, VA.	
C. A. MacDonald, administrative counsel	4,000
SPECIAL EXAMINERS	
NEW YORK	
C. R. Anderson, special agent	3,000
W. L. Mabry, special agent	2,800
H. H. Starkey, investigator	1,800
T. X. F. McCarthy, investigator	1,800
PORTLAND, OREG.	
J. L. Kennedy, auditor	6,000
SEATTLE, WASH.	
H. M. Sheerer, senior examiner	4,500

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WASON. Mr. Chairman, I have listened with interest to the remarks of my friend from Texas [Mr. JONES]. I know that he is as sincere as any Member of this House in trying to save the taxpayers' money. But this proposition under which the United States Shipping Board and the Emergency Fleet are operating is an immense proposition. It reaches all over the world to-day. Right here in Washington the Shipping Board is cleaning up and trying to adjust debts and contracts that have been in question for a number of years. At one time the personnel was larger than it is now. Gradually each year the House and the Senate and the board itself have made reductions in the personnel and in costs, so far as the Shipping Board proper is concerned. It is true that there are one or two lawyers that are receiving fair pay for the services they perform.

Mr. McDUFFIE. Mr. Chairman, may I interrupt the gentleman?

Mr. WASON. Certainly.

Mr. McDUFFIE. I think the House is interested mainly in ascertaining whether or not so large a number of attorneys is now really necessary, and whether or not those attorneys who are receiving these high salaries are actually performing valuable service for the salaries being paid. That is what the committee would like to know, if the gentleman can inform us along that line. I will say to the gentleman that I can appreciate the need for very capable attorneys not only here in Washington but throughout the country, and in handling the legal matters involved we can not hope to have the best talent needed if we are not willing to pay. It occurs to me this amendment cutting the amount in half is too radical a reduction without first having more detailed information as to the actual need for the number of attorneys now on the pay roll and the character of the work necessary for them to do. I understand there are some very able lawyers connected with the board and Fleet Corporation.

Mr. WASON. Our understanding is from the men who know about it, the Shipping Board and others, that these attorneys give their entire time and are working earnestly and faithfully. As indicating their work, let me call my friend's attention to the claims which the Shipping Board and the Emergency Fleet Corporation have against other interests. That would be where they are the plaintiffs. They amount to $137,538,000. That was as of November 30, 1924. It includes 515 marine insurance matters. Then on the other side, where the Shipping Board and the Emergency Fleet are defendants, they have $196,187,882.09 pending in claims for losses resulting from collisions at sea, salvage, breaches of contract, personal injuries, wages, and so forth.

Mr. WATKINS. Will the gentleman yield?

Mr. WASON. Yes.

Mr. WATKINS. In either event those amounts could be contained in one lawsuit which would require one, two, or three attorneys. How much litigation have you in the various districts where you have the various lawyers? We on this side are conversant with some of the districts, and I just want to find out how many lawsuits you have which require these various attorneys, not whether they are all giving their time but whether all of their time is necessary. Some fellows could give all of their time and that would not amount to much.

Mr. WASON. I have not the districts in which the litigation is now pending, but the number of admiralty cases as of November 30 last was practically 1,200—1,187.

Mr. WATKINS. In what district?

Mr. WASON. That is the total. They have cases of claims for demurrage, dispatch money, charter hire, and so forth, amounting to $82,000, and there are 10 of those; 358 legal claims arising out of torts, malicious prosecution, and so forth.

Mr. JONES. Will the gentleman yield?

Mr. WASON. Yes.

Mr. JONES. Does the gentleman think that an attorney is necessary in those claims?

Mr. WASON. Many of these are suits.

Mr. JONES. Not all of them; some of them are claims.

Mr. WASON. This is a summary of the claims.

Mr. JONES. But the suits are based on claims. We are appropriating or reappropriating $4,000,000, as I understand, to pay those claims.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. JONES. Mr. Chairman, I ask unanimous consent that the gentleman may have two more minutes, so that I may ask him some questions.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from New Hampshire have two additional minutes. Is there objection?

There was no objection.

Mr. JONES. Does the gentleman think that these claims, or most of them, will be gotten out of the way this year under this reappropriation, and that we will be in a position to cut down the number next year?

Mr. WASON. I think so; and that is what has been happening year after year in the past.

Mr. JONES. But two years ago we had that assurance, and yet there seems to be about the same number of lawyers and law clerks.

Mr. WASON. No; there has been quite a reduction.

Mr. JONES. According to the report, there are 80 lawyers and law clerks, and it seems to me that is about the number we had two years ago.

Mr. WASON. No; we had more than now.

Mr. JONES. That was not my understanding.

Mr. WASON. I will submit the following for the information of the House:

Summary of claims pending against the United States Shipping Board and United States Shipping Board Emergency Fleet Corporation as at November 30, 1924

Number of cases		
1,187	Admiralty: Claims for losses resulting from collisions at sea, salvage, breaches of contract, personal injuries, illness, wages, etc	$27,765,858.85
10	Contract and allocation: Claims for demurrage, dispatch money, charter hire (including off hire), etc	82,052.70

Number of cases			
358	Legal: Claims arising from torts, garnishments, etc., for damages to cargoes; demurrages, personal injuries, deaths, malicious prosecutions, etc., and not covered by insurance; also construction claims being handled by the legal department and claims of various kinds (construction and requisitioned vessels) filed in the United States Court of Claims		$167,995,701.05
5	Operating: Claims that have been presented to the operating department but which have not been adjudicated or presented to the legal department		33,236.40
18	Sales: Commissions arising out of sales of real estate		89,412.68
72	Traffic: Claims arising out of operations		142,017.98
24	Unpaid awards: Awards that have been made by the Shipping Board but which have not been paid to date		79,602.43
1,674	Total, claims pending at amounts asked by claimants		196,187,882.09

Summary of claims pending in favor of the United States Shipping Board and United States Shipping Board Emergency Fleet Corporation as at November 30, 1924

	Admiralty:		
213	In litigation	$16,017,784.07	
303	Not in litigation	9,710,468.91	
			$25,728,252.98
1	Contract and allocation		935.50
74	Legal		101,896,831.06
5	Operating		166,264.86
8	Traffic		12,253.71
515	Marine insurance		9,733,777.43
	Total		137,538,315.54

Mr. WOOD. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto do now close.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. JONES].

The question was taken; and there were on a division (demanded by Mr. JONES)—ayes 27, noes 45.

So the amendment was rejected.

Mr. JONES. Mr. Chairman, I now offer an amendment limiting the amount to $300,000 instead of $200,000.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: On page 29, line 8, after the word "each," insert the following: "*Provided*, That of the sums herein appropriated the amounts to be expended by the United States Shipping Board and United States Shipping Board Emergency Fleet Corporation for attorneys, counselors, and law clerks, shall not exceed $300,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and there were on a division (demanded by Mr. JONES)—ayes 31, noes 47.

So the amendment was rejected.

The Clerk read as follows:

No part of the sums appropriated in this act shall be available for the payment of certified public accountants, their agents, or employees, and all auditing of every nature requiring the sevices of outside auditors shall be furnished through the Bureau of Efficiency: *Provided*, That nothing herein contained shall limit the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation from employing outside auditors to audit claims in litigation for or against the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed out of order.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, a few moments ago, when the gentleman from Oklahoma had the floor, I obtained some time from the gentleman from New York [Mr. MAGEE] who then had control, but I did not have the testimony to which I desired to call the attention of the House. The gentleman from Oklahoma [Mr. MCCLINTIC] is exactly correct in the stand he is taking as to the attitude of the Navy Department in failing to give accurate information concerning the vulnerability of battleships against aero bombing.

I want to call the attention of the committee in the hearings before the Committee on Naval Affairs of January 8, 1925, to the statement of the Hon. Curtis D. Wilbur, Secretary of the Navy. The matter is right in point. I want to state the situation briefly.

What is the situation? No one on the floor of this House claims any exclusive information, I am sure, on the present possibilities of aviation as an offensive arm of the Military Establishment or on the subject of the usefulness and strength of the modern battleship. The whole subject is now confused. The confusion which exists is the direct result of the conflicting statements that have been made, not only in newspaper articles as has just been read by the gentleman from Oklahoma [Mr. MCCLINTIC] but official statements made by naval officers and Army officers officially testifying before the various committees of this House. Not only officers, but the Secretary of the Navy, himself, has given testimony which is diametrically contrary to facts testified by officers of the Army.

Why was this confusion brought about? Is it the direct result of a well-planned scheme to create confusion? Or is it simply the result of misunderstanding or difference of opinion? I do not believe that it can be attributed to honest difference of opinion for the sole reason that what I am trying to reconcile is not the opinion of Secretary Wilbur with that of General Mitchell, but what took place at the sinking of the *Washington*. I want the facts. There can be no difference on actual facts. We want to know what took place, just what happened at the sinking of the U. S. S. *Virginia* and U. S. S. *New Jersey*. We ought to have the benefit of the joint report on the sinking of these ships and the German battleships as well.

This conflict of fact and opinion started a few weeks ago. The Select Committee of the House investigating aviation in the course of its hearings took considerable testimony relative to the advisability of a united air service. That committee has been doing excellent work. The gentleman from New Jersey [Mr. PERKINS] has demonstrated a remarkable grasp of the subject and is conducting an investigation that promises to be of a useful, constructive character. At the same time the Committee on Military Affairs of the House has been conducting hearings on the Curry bill which provides for a united air service. This hearing likewise has gone into the subject thoroughly. The press of the country have responded and there seems to be a great deal of public sentiment in favor of a united air service. Just at this time we read inspired statements of the limited use of aviation, of the necessity of the Navy having its own air service, and the repeated old story against a united air service. I recall back in the Sixty-sixth Congress when I was on the Committee of Military Affairs I was acting chairman of a subcommittee considering a like bill also introduced by the gentleman from California [Mr. CURRY] and the same kind of propaganda we now hear was sent out by the Navy and the General Staff of the Army.

General Mitchell says that a fleet of bombing planes can put a battleship out of commission. Secretary of the Navy says that it can do no such thing. Now if we had no experiments, if we had never tried to sink a battleship by an aerial bomb, it would be a simple matter of opinion. We have had tests. Battleships have been actually sunk. Reports on the vulnerability of these ships and the effectiveness and the destructibility of aerial bombs have been made. Let us get those facts. Then the next fact at issue is what happened to the U. S. S. *Washington*? We are entitled to know from the Secretary of the Navy: (1) Were aerial bombs dropped on the U. S. S. *Washington*? (2) If so, how many? What size, and the nature and character of these bombs? (3) What was the effect and result of the aerial bombs?

Now, after the sinking of the U. S. S. *Washington* the Secretary of the Navy testified and was very definite, clear, and positive in the statement that a 2,000-pound T. N. T. bomb could not put a modern battleship out of commission. I will now read his testimony before the Committee on Naval Affairs of the House, given on the 8th day of January, 1925, as I stated a moment ago. On page 203, Mr. MCCLINTIC read a statement from General Mitchell containing this sentence, "One of these great bombs hitting a battleship will completely destroy it," but I want to read to you the complete statement read by the gentleman from Oklahoma to the Secretary, quoting General Mitchell:

The world stands on the threshold of the aeronautical era. During this epoch the destinies of all people will be controlled through the air. Aircraft possess the greatest weapons ever devised by man. They carry not only guns and cannon, but heavy missiles that

utilize the force of gravity for their propulsion and can cause more destruction than any other weapon. One of these great bombs hitting a battleship will completely destroy it. Think of what this means to the future system of national defense. As battleships are the hardest structures to destroy, imagine how much easier it is to sink all other vessels.

Aeronautical siege may be laid against a country now so as to prevent any communications with it, ingress or egress, on the surface of the water or even along railways or roads. In case of an insular power which is entirely dependent on its sea lanes of commerce for existence, an air siege of this kind would starve it into submission in a short time.

Then Mr. McCLINTIC asked the Secretary the following question:

This brings me down to your statement concerning aircraft. You recently stated to the subcommittee of House Committee on Appropriations that "There is little danger that a ship will be sunk by aerial bombs exploded on the deck of a ship above the deck armor, but new armor-piercing bombs have been devised with a view to penetrating into the vitals of a ship." In your opinion, would the explosion of, say, a 2,000-pound bomb dropped at different altitudes jam the turrets?

Secretary WILBUR. I don't think it would.

Mr. McCLINTIC. Some say it will and some say it will not.

Secretary WILBUR. We know it will not.

Mr. McCLINTIC. Some have said that an explosion of 2,000 pounds of T. N. T. on a ship, even if it did not sink the ship, would disarrange the machinery and shell shock a number of men on it and thereby render them incapable of performing service.

Secretary WILBUR. It never has been done.

Mr. McCLINTIC. It never has been tried.

Secretary WILBUR. Yes.

Mr. McCLINTIC. Do you say it has been tried?

Secretary WILBUR. Perhaps that exact experiment has not been tried, but experiments have been made which indicate that the statement is absolutely untenable and ridiculous.

Gentlemen, there you have the statement of the Secretary of the Navy on January 8, 1925.

Mr. LOZIER. Will the gentleman yield?

Mr. LAGUARDIA. I yield to the gentleman.

Mr. LOZIER. Does the gentleman contend that Secretary Wilbur has any expert or technical knowledge on the subjects which he is discussing?

Mr. LAGUARDIA. I am coming to that. I believe the Secretary had been misinformed when he made that statement. He would not have made it otherwise, and what I want and what I think the gentleman from Oklahoma [Mr. McCLINTIC] is trying to get is the accurate information and not the opinion of anyone. We are entitled to that. I am going to put in the RECORD the balance of his testimony, and if it is true, as he says, that 2,000 pounds of T. N. T. dropped on the deck of a ship would cause no damage and would not disarrange the machinery we are entitled to know that. If, on the other hand, his statement is not correct, and I believe it is not correct, because we had the experiment, the quicker we know it the better.

I will now simply read the balance of the testimony which can leave no doubt in the minds of my colleagues that either valuable information is being suppressed or else some high official of the Government is talking without knowing what he is talking about. The testimony continues in this way:

Mr. McCLINTIC. Before the subcommittee of the House Committee on Appropriations, your report states "it will be necessary to construct capital ships in such a way as to resist new forms of attack." Are you of the opinion that it will ever be possible to do this, when you take into consideration that the bombing planes are being increased, which means that the weight of the projectile dropped from these bombs will likely be increased also?

Secretary WILBUR. Let me give you a more general answer. I assume that everybody here understands that I am not a construction engineer and not a naval officer; but the whole question of aircraft as a means of national defense and component part of the fleet has been under investigation by a special board appointed by the Secretary of the Navy by the direct request and authority of the President. That board has been in session since the latter part of September. It has taken the testimony of practically every aircraft expert in the country, including those in the Army and the Navy, and civilians as well. That board is now formulating its report, which we trust will be submitted to the President within a week. The whole matter is gone into in great detail. The questions you are asking me are being considered by the board. They have taken the testimony, as I have said, of practically everybody who is familiar with the subject in the country, and they will be able to exercise their professional judgment on that and present the matter to the President and the Congress. In view of that, for me at this time to attempt to go into details concerning air defense would be a useless thing. I believe it would be a waste of the time of the committee.

Mr. McCLINTIC. With reference to the make-up of this board, is it composed of any Army officers?

Secretary WILBUR. There are no Army members on it, but Army officers have appeared before the board and testified.

Mr. McCLINTIC. If the head of the department of the Army Air Service would make a statement and give it to the public reading like this, "Aeronautical siege may be laid against a country now so as to prevent any communication with it, ingress or egress, on the surface of the water, or even along railways or roads. In case of an insular power which is entirely dependent on its sea lanes of commerce for existence, an air siege of this kind would starve it into submission in a short time"; if that statement was given out from the officer in charge of the Aircraft Bureau of the Army would it first be authorized by the board that has jurisdiction over matters of this kind

Secretary WILBUR. I think you said first the head of the Air Service and then you said the head of the Army.

Mr. McCLINTIC. I mean the officer in the Army at the head of the Air Service in the Army.

Secretary WILBUR. I think you had better get that information from the War Department. You are asking me something concerning another department.

Mr. McCLINTIC. I was calling your attention to the fact that a responsible officer in the Army was giving out information that received great circulation, going into the homes of millions of people, and if this sort of information goes into the homes of millions of people and they are converted to the idea that we are not giving proper attention to aircraft, it is only a question of time until we are going to hear from it. I was merely calling your attention to these articles to ascertain if you had any ideas as to the authenticity.

Secretary WILBUR. I do not think the committee wants me to criticize the War Department or any officer of that department by commenting on it or him, and I do not wish to do so.

Mr. McCLINTIC. I understand your position; and if I ask any question that you do not think you should answer, it will be all right with me for you to not answer. I am interested in the development of aircraft. I do not believe we give proper attention to aircraft and the necessary appropriations that should be made for the development of the air. I think the air is the most important arm of defense for the reason that before any major or minor engagements on the sea can take place I am sure the air will play a very important part, and that the part played by the air will have much to do with the result of the battle.

You have made the statement that the arming of these ships with antiaircraft guns is being carried forward as rapidly as practicable, and the antiaircraft gun is being developed to perform its function in protecting the battleship against attack. I am glad to know that is true, but have you ever taken into consideration that it was said during the World War only one hit was made out of an average of 10,000 shots? If we had a sufficient amount of aircraft or airships, are you of the opinion they would be successful in warding off attacks from flying planes?

Secretary WILBUR. I would like to answer that question very fully, but that would be to anticipate the very matters that have been considered with such great care by the board about which I have just spoken. This board has taken the testimony of the men who designed the aircraft and the guns and those who use them. They have taken the testimony of the men who have used them in target practice firing at a towed target in the air. They have the testimony of men who designed the new sights for the guns and new sights for the bombing planes, and their report will deal with all those matters; and I think it would be a supererogatory for me to try to answer those questions at this time. I have an idea that their report will be so much more enlightening and valuable than any statement I might make that I beg to be excused from attempting to answer the question. * * *

That is the Secretary's statement. Evidently his department is in possession of the very facts we want.

If any of this information is of a confidential nature, it can easily be given to the proper committees in executive session. But let us get the facts, and let us legislate accordingly. I should say let us appropriate accordingly. Why, gentlemen, only a few moments ago in the conference report on the Agriculture appropriation bill there is an item of $50,000 for the agricultural air service. And that is the way it has been going; everybody dabbling in it; every department spending money; each department knowing its own wants, disregarding the needs of other departments, and all costing hundreds of millions of dollars, and the Congress in 1925 is officially unable to tell whether a 2,000-pound T. N. T. bomb will damage a battle-

ship. We may not know officially, but many of us have very strong convictions on the the subject.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Clerk read as follows:

No part of the sums appropriated in this act shall be used to pay any claims of the United States Navy Department against the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation arising prior to July 1, 1921.

Mr. FRENCH. Mr. Chairman, I offer an amendment, which the Clerk has at the desk.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Strike out the matter on page 30, commencing in line 6, and extending through line 10, and in lieu thereof insert the following: "That all claims of the Navy Department against the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation, and all claims of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation against the Navy Department arising prior to July 1, 1921, be canceled; provided, that no claim on the part of the United States Shipping Board Emergency Fleet Corporation, or the Navy Department, as against any private individual, firm, association, or corporation other than the United States Shipping Board Emergency Fleet Corporation, is canceled or otherwise affected in any way by this act."

Mr. BANKHEAD. Mr. Chairman, I reserve a point of order against the amendment.

Mr. FRENCH. Mr. Chairman, does the gentleman intend to make the point of order?

Mr. BANKHEAD. I think it is subject to a point of order.

Mr. FRENCH. I concede it is subject to a point of order.

Mr. BANKHEAD. I made the reservation in order that the gentleman may have an opportunity to explain the purpose he has in mind.

Mr. FRENCH. I hope the gentleman will reserve his point of order so that I may do that.

Mr. BANKHEAD. I reserve it.

Mr. FRENCH. Mr. Chairman, in the first place, I think the paragraph to which I have offered the amendment is subject to a point of order and the same point would lie against the amendment. However, the proposition is this: The language which the committee has reported in the bill provides approximately what my amendment provides as permanent law; in other words, that during the year for which we are making provision these moneys shall not be claimed from the Shipping Board or the Emergency Fleet Corporation.

During the war and for a year or two thereafter ships, under the law and by Executive order, were transferred from the Shipping Board and the Emergency Fleet Corporation to the Navy Department; likewise, ships were transferred from the Navy Department to the Shipping Board. I have here a copy of a letter from Admiral Potter addressed to the Secretary of the Navy reciting that prior to the date I have indicated in the amendment, July 1, 1921, there had been transferred from the Shipping Board to the Navy Department 27 tank steamers, refrigerator vessels, cargo vessels, and so forth, aggregrating in value $51,070,802.44, so far as original cost to the Fleet Corporation and the Shipping Board may be concerned. In addition to that, the Navy Department had been exempted from paying charter hire on Shipping Board vessels from July 1, 1918, to June 30, 1921. These are transfers and values going from the Fleet Corporation and the Shipping Board to the Navy Department. On the other hand, prior to the date indicated there had been transferred from the Navy Department ships of one kind or another to the Shipping Board and Emergency Fleet Corporation aggregating between $27,000,000 and $28,000,000.

The language that is now in the bill as reported by the committee has been reported and carried in the law for at least two years prior to the report on the pending bill, and it is apparently the intention of the Congress that there shall not be any further money settlement between the Shipping Board and the Navy Department.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. FRENCH. In just a moment. More than that, the Navy Department indicates that the accounts must be approximately balanced at this time, and my amendment is for the purpose of making a fact out of what is now a theory, and letting the Navy Department and the Shipping Board have an opportunity to clear their books and end this accounting.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. FRENCH. Yes.

Mr. BANKHEAD. Did I understand the gentleman to say that the current naval appropriation bill carried a similar provision with reference to these claims?

Mr. FRENCH. The current law carried in the independent offices act is to the same effect as the language reported in the pending bill, and my amendment in a general way makes it permanent law. More than that my amendment safeguards the interests of the Shipping Board and the Navy Department as regards any claims that may be collateral, and yet not directly against either of these institutions. As I understand it, there is no opposition on the part of any officer of the Navy Department or of the Shipping Board.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. BANKHEAD. Mr. Chairman, I think I can clear this up if the gentleman will allow me a few moments.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Idaho be extended three minutes in order that I may ask the gentleman a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Idaho be extended three minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. Can the gentleman approximate the relationship of these two sides of the ledger, whether the obligation on the part of the Navy to the Shipping Board and the Emergency Fleet Corporation is much larger or smaller than the obligation of the Shipping Board and the Emergency Fleet Corporation to the Navy?

Mr. FRENCH. The face value of it would give the advantage to the Navy Department. On the the other hand, the real values of the ships turned over to the Navy Department would probably bring it down so that the value would be about the same. Let me say that in the letter of Admiral Potter, following the recital of ships transferred to the Navy and the services received by the Navy Department from the Emergency Fleet Corporation and the Shipping Board, the next sentence is:

It is believed, therefore, that the claims of the Navy Department against the officials of the Shipping Board and the Emergency Fleet Corporation and of those two activities against the Navy Department arising prior to June 30, 1921, should be canceled.

In other words, it is essentially a bookkeeping matter. We have indicated for two or three years that we do not care to have any further settlement made because the amounts involved about balance and any money differences would go into the Treasury. These are both Government activities, and the responsible officers of each, and as well the chairman that reported the bill, think that we ought to bring this matter to an end and wipe out all of the obligations on the books.

Mr. CHINDBLOM. But, as a bookkeeping matter, it occurs to me that there should be no advantage given either one or the other.

Mr. FRENCH. And, generally speaking, there is none.

Mr. BANKHEAD. Mr. Chairman, I reserved the point of order against the amendment because it is clearly legislation mainly for the purpose of giving the gentleman from Idaho an opportunity to explain what he had in mind. I want to say to the gentleman that I am thoroughly in accord with the purpose he is seeking to effect.

I think the thing ought to be settled because it is only a bookkeeping transaction between two branches of the Government, and there is no great balance involved. I therefore withdraw the reservation of the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

UNITED STATES VETERANS' BUREAU

For carrying out the provisions of an act entitled "An act to establish a Veterans' Bureau and to improve the facilities and service of such bureau and to further amend and modify the war risk insurance act approved August 9, 1921," and to carry out the provisions of the act entitled "World War veterans' act, 1924," approved June 7, 1924, and for administrative expenses in carrying out the provisions of the World War adjusted compensation act of May 19, 1924, including salaries of personnel in the District of Columbia and elsewhere in accordance with the classification act of 1923, and expenses of the central office at Washington, D. C., and regional offices and suboffices, and including salaries, stationery, and minor office supplies, furniture, equipment and supplies, rentals and alterations, heat, light, and water, miscellaneous expenses, including telephones, telegrams, freight, express, law books, books of reference, periodicals,

ambulance service, towel service, laundry service, repairs to equipment, storage, ice, taxi service, car fare, stamps and box rent, traveling and subsistence, salaries and expenses of employees engaged in field investigation, passenger-carrying and other motor vehicles, including purchase, maintenance, repairs, and operation of same, salaries and operating expenses of the Arlington Building and annex, including repairs and mechanical equipment, fuel, electric current, ice, ash removal, and miscellaneous items; and including the salaries and allowances, where applicable, wages, travel and subsistence of civil employees at the United States veterans' hospitals, supply depots, dispensaries, clinics, and vocational schools, $45,500,000: *Provided*, That on the first day of each regular session of Congress the Director of the Veterans' Bureau shall transmit to the President of the Senate and the Speaker of the House of Representatives a statement giving in detail (a) the total number of positions at a rate of $2,000 or more per annum, (b) the rate of salary attached to each position, (c) the number of positions at each rate in the central office and in each regional office or suboffice and hospital, and (d) a brief statement of the duties of each position.

Mr. LUCE. Mr. Chairman, I move to strike out the last word. The chance that has made me, as a member of the Committee on World War Veterans' Legislation, the chairman of the subcommittee on hospitals warrants me in calling attention to some phases of this and the following paragraphs, which for convenience I will discuss at the same time. Let me point out that this page and a half appropriates for the running expenses of this branch of the Government more money than the total expense of any one of much the greater part of the States of the Union; and that all these paragraphs together involve an appropriation of more than $400,000,000, a sum beyond the full comprehension of any living being.

As a member of the committee of which I have spoken, I am staggered by the immensity of the task imposed, not only upon that committee but also on the Committee on Appropriations, and, indeed, on the whole Congress.

Furthermore, the fact that two or three days ago two men, one of them formerly at the head of this bureau, were convicted of a dastardly offense. One of the meanest offenses that can be conceived of adds to the warrant for a few minutes of consideration of the present situation.

Fortunately the atmosphere of the bureau has completely changed. Fortunately no suspicion arises as to the present conduct of the bureau. And yet what opportunity my work on this committee has given me to observe the situation, leads me to utter a word of the gravest warning. The subcommittee to which I have referred is now considering a bill to authorize the appropriation of nearly $15,000,000 for new construction of hospitals. In the bill here it finds an appropiration of nearly $4,000,000 for altering, improving, and providing facilities in hospitals. This I do not criticize, nor do I ask that the appropriation be reduced by a penny, even though at this very moment there is before this other committee a bill involving an expenditure of nearly $15,000,000 for new hospitals. If you look at the hearings of the Appropriations Committee you will find that the $4,000,000 item contemplates a total of more than $2,000,000 for new construction. With no violation of any rule this is advised after study by only one committee of this body. It in no essential, however, differs in nature from the $15,000,000 for which you require the approval of two committees. In other words, you have at present a division of responsibility and that always invites trouble.

The need of appropriating $2,000,000 is passed upon by one committee, and that not the specially constituted committee on the subject, which, in fact, has no information about the pending proposal except what it obtains from the report of the hearings by the Appropriations Committee. On the other hand, the $15,000,000 bill will be passed upon twice. This anomaly suggests at once the possibility of confused and divided responsibility, and so of irresponsibility, at some future period. At any rate, it may repeat, or may cause the repetition of such distressing situations as that to which the convictions of which I have spoken relate. In short, my warning is this, that some wiser and more adequate system of supervision must be worked out if we are to have a reasonable degree of safety. When our $15,000,000 bill comes in I expect I shall have to confess frankly to the House that in all matter of detail we have had to rely upon the head of the Veterans' Bureau. Should you read the hearings before the Committee on Appropriations I think you will find that any of its members would be required to make the same admission. The days are not long enough to let any Member of Congress study carefully and thoroughly a proposition of such appalling magnitude as this, and if there should be again scandal in connection with the bureau, let me at this time disclaim responsibility upon the part of Congress because of the physical impossibility of examining all of these details. General Hines has been before the hospital committee, of course, and as a result of observing him I for one am glad to testify that, in my opinion, we now have the affairs of the Veterans' Bureau in charge of an honorable, upright man, zealous, earnest, and an indefatigable worker; and I believe we are warranted in the confidence that we are reposing in him, but to guard against the possibility that in the future such confidence in some other man may prove not to have been warranted, I take this opportunity to urge upon gentlemen to have in mind the very great need of devising some system of examination and supervision which shall save Congress in making these enormous appropriations from having to rely so largely and so blindly on the judgment and good faith of other men.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. HUDSPETH. The gentleman states that General Hines has been before the hospital committee. Does he mean the special committee for the Veterans' Bureau?

Mr. LUCE. That was a slip of the tongue. I have been speaking chiefly of the subcommittee of the Committee on World War Veterans' Legislation concerned with hospital matters.

Mr. HUDSPETH. Then, as I understand the gentleman, that committee is considering a bill authorizing an appropriation of $15,000,000?

Mr. LUCE. Yes; that is now under consideration.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. HUDSPETH. I ask unanimous consent that the gentleman have one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. Then as I understand the gentleman's statement, this appropriation bill likewise carries an appropriation for the building of additional hospitals?

Mr. LUCE. This bill carries an appropriation which in the title in the hearings is headed "New construction, etc.," and totals $2,079,750. That appropriation, I have pointed out, is only incidentally brought to the attention of the subcommittee of the Veterans' Committee, which is supposed to concern itself with new construction.

Mr. HUDSPETH. Could the amount carried in this bill be used for additional hospitals, say, for the care of tubercular ex-service men?

Mr. LUCE. The purposes of that appropriation are set forth in the table in the various items.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. CONNALLY of Texas rose.

Mr. WOOD. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. CONNALLY of Texas. Mr. Chairman, I am very glad indeed that the gentleman from Massachusetts [Mr. LUCE] addressed himself to this subject, and I desire to call attention to some facts in connection with the investigation of the Veterans' Bureau which resulted in prosecutions and convictions in the courts at Chicago. I do not want to involve that court matter, because that is none of our concern, but Members have been talking a great deal recently about the House surrendering its prerogatives to other branches of the Government, and I rise now merely to give due credit to one of our colleagues, the gentleman from Georgia [Mr. LARSEN], to whom I believe the major portion of the credit for initiating the investigation of the Veterans' Bureau belongs.

Last Saturday the Washington Herald carried almost a full-page write up of the senatorial investigation of the Veterans' Bureau, and in doing so took much of the credit for the investigation to itself and awarded to the Senate committee much honor and credit, and the article carries the photographs of the members of the Senate committee.

The facts in connection with the matter are these: If this investigation was not ordered when it should have been ordered, it is the fault of this House and of no one else. The gentleman from Georgia [Mr. LARSEN], as far back as March, 1922, introduced a resolution in this House demanding an investigation of the Veterans' Bureau. Gentlemen who were in charge of the course of legislation paid no attention to it. They knew these millions were being appropriated for veteran purposes, and in the face of serious charges took no action whatever. It was not until December of 1922, after the gentleman from Georgia had initiated this action in March, that the papers took up the matter of pushing the charges. The gentleman from Georgia [Mr. LARSEN] again, on February 6, 1923,

made a speech on the floor of this House and made serious and comprehensive charges against the Veterans' Bureau. Still this House ignored the matter and paid no attention to it, and it was only on the 12th of February, six days after that time, that a resolution was introduced in the Senate proposing to investigate the bureau. On that date the resolution was agreed to, and the RECORD for that day discloses the following:

The resolution was considered by unanimous consent, and agreed to.

Mr. WALSH of Massachusetts. I ask to have printed in the RECORD at this point a letter from Congressman LARSEN, of Georgia, dealing with the subject covered by the resolution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 6, 1923.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Of course your attention has been attracted during the past few weeks by the numerous press items regarding extravagance, mismanagement, and, in some instances, corruption alleged to exist in the Veterans' Bureau, both at its central office and in many of the regional and suboffices.

On March 17 last I introduced House Resolution 306, providing for the appointment of a committee to investigate and report on conditions and operations of the Veterans' Bureau in the management and control of claims for compensation, allotments, insurance, and vocational training, and all other matters over which said bureau has jurisdiction, to determine whether or not said bureau is efficient and economical in the management of its affairs, and also generally to investigate and report on all things affecting the welfare, management, and results obtained by the operations of the said bureau at its central office, regional offices, and suboffices.

This resolution was referred to the Committee on Rules, but notwithstanding many efforts to obtain report on same I have been unable to do so.

I notice that you are a member of a Senate committee which seems to be empowered to make such an investigation as is provided for in the resolution introduced by me, and I therefore wonder if you can obtain through this committee such authentic official information as would completely inform the public as to exact conditions existing in the bureau.

There are now employed in the Veterans' Bureau nearly 30,000 persons, at a cost of more than $425,000,000 per annum to the taxpayers, and such charges of extravagance, corruption, and graft should not, therefore, go unnoticed by the Congress. Certainly to furnish the desired information would not be incompatible with the public welfare.

I trust that you may be in position to obtain definite information not only along the lines referred to in the resolution mentioned above but specifically regarding conditions as to rentals of property at Stockton, Calif.; Richmond, Va.; Nauvoo, Ill.; Livermore, Calif.; Goshen, N. Y.; Aspinwall, Pa.; Tupper Lake, Pa.; and Northampton, Mass.; as well as with reference to the sale of Army supplies at Perryville, Md., all of which has been recently alluded to in press dispatches as aforesaid, and with which, I am sure, you are familiar.

With sentiments of high regard,

Very truly yours, W. W. LARSEN.

So it seems but fair to say the gentleman from Georgia was primarily responsible for this whole investigation, and yet in the public prints it seems an attempt is being made to rob him of the credit for his initiation. The real responsibility, however, rests upon this House. For about a year these charges against the Veterans' Bureau were made in this Chamber by the gentleman from Georgia in the form of a resolution.

He made speeches on the floor detailing the facts, and yet the gentlemen of this House who control it apparently refused to take action and ignored his appeals. Other Members introduced similar resolutions, but the movement that has resulted in such shocking disclosures was begun by the gentleman from Georgia. I am glad the gentleman from Massachusetts has taken the floor and pointed out the responsibility of the Congress; that with an appropriation of $500,000,000, approximately, each year for the maintenance of the Veterans' Bureau the Congress ought to be careful, ought to be diligent, ought to be vigilant in seeing that those funds are expended for the purposes provided by law, and so I want to pay here now a tribute to the initiative and to the industry of the gentleman from Georgia [Mr. LARSEN], who initiated the inquiry that formed the basis of the Senate investigation, which in turn has resulted in these revelations that have shocked the country and the Congress.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Medical and hospital services: For medical, surgical, dental, dispensary, and hospital services and facilities, convalescent care, necessary and reasonable after care, welfare of, nursing, prosthetic appliances, medical examinations, funeral and other incidental expenses (including transportation of remains), traveling expenses, and supplies, and not exceeding $100,000 for library books, magazines, and papers for beneficiaries of the United States Veterans' Bureau, including court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, $35,000,000.

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, I am surprised that some vigilant parliamentarian did not take exception to the proviso to be found on page 13 of this bill reading as follows:

Provided, That no part of this sum shall be expended for investigations requested by either House of Congress except those requested by concurrent resolution of Congress, but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation.

Now, that is obviously new legislation and subject to a point of order. It is visible evidence of the survival of the disposition to knock the Federal Trade Commission—an agency of our Government which was established at a time when we needed it very badly—and no man can point his finger at any want of vigilance or fidelity in the performance of the duties required of it. Under the law the President may send to the Federal Trade Commission a request for an investigation; the Senate may do so, and the House may do so. The pretext for this change is that the power of calling for investigations has been abused. I challenge that statement. I challenged it last year when an attempt was made to cripple the activities of the Federal Trade Commission by lopping off from its appropriation $200,000.

The committee then tried to palliate the reduction by a limitation of the same purport as that contained in the bill now before us—and the same wild statements as to the abuse of the commission's machinery for investigation were bandied about. It was argued then, as it is argued now, that great numbers of investigations were initiated by resolutions of the House and of the Senate and vast sums of money were expended upon useless researches, and so forth. What a horror some people have against investigations! Well, I investigated that and found there was absolutely no foundation whatever for the statements. Instead of running up into hundreds there were just 36 in the entire period of 10 years covered by the activities of the commission.

INVESTIGATIONS CONDUCTED BY THE FEDERAL TRADE COMMISSION SINCE ITS CREATION

I printed in the CONGRESSIONAL RECORD of March 31, 1924 (p. 5312), a summary of investigations up to March 28, 1924. The following are the facts—not self-serving rumors:

(a) The President initiated 6 investigations.
(b) The Senate initiated 23 investigations.
(c) The House initiated 7 investigations.

SUBJECTS INVESTIGATED

By the Federal Trade Commission (at the order of Congress, the President, and the Attorney General) up to March 28, 1924:

1. Petroleum (S. Res. 457, 63d Cong., 2d sess.).
2. Sisal hemp (S. Res. 170, 64th Cong., 1st sess.).
3. Anthracite (S. Res. 217, 64th Cong., 1st sess.).
4. Bituminous coal (H. Res. 352, 64th Cong., 1st sess.).
5. Newsprint paper (S. Res. 177, 64th Cong., 1st sess.).
6. Book paper (S. Res. 269, 64th Cong., 1st sess.).
7. Flags (S. Res. 35, 65th Cong., 1st sess.).
8. Meat-packing profit limitations (S. Res. 177, 66th Cong., 1st sess.).
9. Farm implements (S. Res. 223, 65th Cong., 2d sess.).
10. Milk (S. Res. 431, 65th Cong., 3d sess.).
11. Cotton yarn (H. Res. 451, 66th Cong., 2d sess.).
12. Pacific coast petroleum (S. Res. 138, 66th Cong., 1st sess.).
13. Petroleum prices (H. Res. 501, 66th Cong., 2d sess.).
14. Commercial feeds (S. Res. 140, 66th Cong., 1st sess.).
15. Sugar supply (H. Res. 150, 66th Cong., 1st sess.).
16. Southern livestock prices (S. Res. 133, 66th Cong., 1st sess.).
17. Shoe costs and prices (H. Res. 217, 66th Cong., 1st sess.).
18. Tobacco prices (H. Res. 533, 66th Cong., 2d sess.).
19. Tobacco prices (S. Res. 129, 67th Cong., 1st sess.).
20. Export grain (S. Res. 133, 67th Cong., 2d sess.).
21. House furnishings (S. Res. 127, 67th Cong., 2d sess.).
22. Flour milling (S. Res. 212, 67th Cong., 2d sess.).
23. Cotton trade (S. Res. 262, 67th Cong., 2d sess.).
24. Fertilizer (S. Res. 307, 67th Cong., 2d sess.).

25. Foreign ownership in petroleum industry (S. Res. 311, 67th Cong., 2d sess.).
26. Cotton trade (S. Res. 429, 67th Cong., 4th sess.).
27. National wealth (S. Res. 451, 67th Cong., 4th sess.).
28. Calcium arsenate (S. 417, 67th Cong., 4th sess.).
29. Radio (H. Res. 548, 67th Cong., 4th sess.).
30. Bread (S. Res. 163, 68th Cong., 1st sess.).
31. Food inquiry (direction of President, Feb. 7, 1917).
32. Food inquiry (direction of President, July 25, 1917).
33. Wheat prices (direction of President, Oct. 12, 1920).
34. Gasoline (direction of President, Feb. 7, 1924).
35. Raisin combination (request of Attorney General, Sept. 30, 1919).
36. Lumber industry (request of Attorney General, Sept. 4, 1919).

Since that report was printed last March the following investigations have been initiated:

(1) By the President; subject, gasoline.
(2) By the Senate; subject, patents.
(3) By the Senate; subject, flour milling.
(4) By the Senate; subject, national wealth.
(5) By the Senate; subject, grain transportation.
(6) By the Senate; subject, bread and flour.
(7) By the Senate; subject, packers' consent decree.
(8) By the Senate; subject, cotton.

No inquiries or investigations whatever were initiated by the House.

It is, therefore, quite evident that the proposed amendment to the law is aimed at the other branch of Congress. On this side of the Capitol we have not offended, if offense it be—which I most emphatically deny. But why hit the Senate's penchant for investigations by hamstringing the Federal Trade Commission? And why, it may be asked—though I confess I may have no right to ask it—why curtail the powers of our President to initiate important inquiries, presumably for the welfare of the Nation?

I hold no brief for the commission. I am not personally acquainted with or attached in any way to any of them. My attitude is governed wholly by my adherence to the conviction that the Federal Trade Commission is a very important agency of our Government, and I do not want to see its usefulness or availability impaired. The proviso attached to this bill apparently has the tacit consent of the commission, but, nevertheless, I do not believe that it is good policy to curtail the availability of the commission as an economic mechanism for the performance of useful public service. It is true that the harm to this House is negligible, because it has very rarely trespassed upon the time of the commission by initiating investigations.

But there is no ground for comfort in this reflection, for it is easy to foresee the possibility of this blow aimed at the Senate being reflected to us. The law gives either House the right to initiate such inquiries for the purpose of framing proper legislation, and we ought not to surrender our prerogatives in order to gratify what seems to me to be childish petulance. To paraphrase somewhat the old maxim, we ought not to cut off our own nose to spite some one else's face.

Mr. WOOD. Mr. Chairman, I move that all debate upon the paragraph and all amendments thereto close in five minutes.

Mr. RANKIN. Mr. Chairman——

The CHAIRMAN. Let the Chair state the question. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. RANKIN. Mr. Chairman, I offer an amendment to the motion to make it 10 minutes.

The CHAIRMAN. The gentleman from Mississippi moves to amend the motion by moving that all debate close in 10 minutes. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on the motion as amended.

The question was taken, and the motion as amended was agreed to.

Mr. MOORE of Virginia. Mr. Chairman, I wish to restate, if I can in the five minutes allotted, the case taken up by the gentleman from New York who preceded me. Last Saturday the gentleman from Minnesota [Mr. NEWTON], when we reached the section of the bill dealing with the Interstate Commerce Commission, offered an amendment precluding the House from directing the commission to conduct an investigation by passing a House resolution, and requiring that no such investigations shall hereafter be conducted except under concurrent resolutions. There was considerable debate upon that amendment, and the House and the committee reached the conclusion apparently that to indorse the amendment would be an unprecedented and injurious surrender of the privileges of the House, and that the House ought to retain its right of independent action which has always existed for an investigation by any of the departments or bureaus of the Government. That was the conclusion of the House based upon principle. Now, as the gentleman from New York has just observed, this bill carries, and it went through without a point of order being made, a similar provision relative to the Federal Trade Commission, which, if it is retained in the bill, will prevent that commission from responding to any House resolution directing that it shall make an investigation. That means an abandonment of the right of the House to act independently of the Senate. I think that even upon a superficial view we must agree that is a mistake which should be corrected. I have said this much in order to say further that the gentleman from Texas [Mr. CONNALLY] will deal with the mistake in the only way in which it can be dealt with, and that is by a motion to recommit in order that the provision respecting the Federal Trade Commission may be stricken out, and I hope very much that unless the House is willing to give a right which is of great value to-day, and which may be of more value in the future, it will support the motion that is going to be made by the gentleman from Texas.

Mr. LOZIER. Mr. Chairman, will the gentleman yield to me for one moment?

Mr. MOORE of Virginia. Yes.

Mr. WOOD. The gentleman from Virginia, I think, is laboring under a misapprehension with reference to the limitation concerning which he speaks. There is nothing in this limitation which takes away anything from the House that is provided under the organic law creating this Federal Trade Commission. The only limitation which was adopted provided that outside of the law we could not take and put in motion the activities of the Federal Trade Commission unless there is a concurrent resolution. There is nothing in this limitation that takes away anything from this House that is granted under the law. The purpose of this limitation was to prevent the abuse that has been practiced time and time again, resulting in the expenditure of thousands and thousands of dollars upon some simple resolution originating in somebody's desire to have an investigation made, which only results in the expenditure of money.

Mr. MOORE of Virginia. I will say to my friend there is no such negative in the law creating the Federal Trade Commission as the proviso in question. What I submit to the gentleman and to others is that the House ought not to surrender its privileges. The time may arrive when there will be need for us to call on the Interstate Commerce Commission, the Federal Trade Commission, and other agencies of the Government to make investigations which conceivably the Senate may not care to have made, and will therefore not approve concurrent resolutions.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Chairman, I merely rise to call the attention of the House to what I believe to be a most ridiculous situation with respect to our criminal law. We notice in the newspapers that after years of investigation and months of prosecution a Mr. Forbes, former Director of the Veterans' Bureau, has been convicted, together with one of his codefendants, and that the limit that the judge can give those defendants under the law is two years' imprisonment and a fine of $10,000.

The trial judge expressed his regret that he could not sentence them for a much longer term. If he had been a doughboy in the Army and had been convicted of striking a horse with a bridle, stealing a pair of shoes, or some other petty offense the chances are that he would have been given from 5 to 20 years in the penitentiary. If he had been convicted in the State court of Massachusetts or Mississippi or any other State of stealing a mule, the chances are he would have received a sentence of from one to five years.

But a man charged with official responsibility can steal millions of dollars of the money that is appropriated to take care of the ex-service men and intrusted to his care, and then when he is finally convicted he is let off with a fine of $10,000, which can be paid from a part of the spoils, and a sentence, or an outing, down at Atlanta for two years, at best, with a fourth of that off for "good behavior."

I say that is ridiculous! It seems to me that the Committee on the Judiciary of this House ought to take up the criminal law with reference to those people who filch the public money of the United States, or who rob the Public Treasury, or who

rob the Government in any way, and amend the law so as to enable the court to inflict upon them such penalties as may make them respect the law. [Applause.]

Every man who was in the Army of the United States during the war, every disabled soldier who is suffering disabilities as the result of that war, every father and every mother who sent a son to the war will read that report in the papers with a shudder of disgust that the United States Government does not inflict more punishment on the man who, according to the testimony, has violated a public trust and possibly stolen millions of dollars from the wounded and disabled soldiers of the United States. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I will.

Mr. LAGUARDIA. Right after the declaration of war, in the Sixty-sixth Congress, I introduced a bill providing the death penalty in such cases. I could not even get a hearing on it.

Mr. RANKIN. I am not asking for the infliction of the death penalty in cases of this kind, but I would like to see the punishment for a crime of that character made commensurate with the offense.

The chairman of the Committee on the Judiciary is present, and I hope that committee will bring in an amendment to the present law that will adequately punish those men who violate the law in such cases hereafter. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The Clerk will read.

The Clerk read as follows:

This appropriation shall be disbursed by the United States Veterans' Bureau, and such portion thereof as may be necessary shall be allotted from time to time to the Public Health Service, and the War, Navy, and Interior Departments, and transferred to their credit for disbursement by them for the purposes set forth in the foregoing paragraph; and allotted and transferred to the Board of Managers of the National Home for Disabled Volunteer Soldiers for the purposes set forth in the foregoing paragraph, and such sums as are allotted to the Board of Managers shall be covered into the surplus fund of the Treasury.

Mr LUCE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. LUCE. Mr. Chairman, the significance of this paragraph may be gathered from some figures that I shall read for the purpose of insertion in the RECORD, showing that of the $35,000,000 that it appropriates the following allotments are made:

To the War Department, $2,636,020;

To the Navy Department, $1,496,500;

To Soldiers' Homes, $3,666,550;

To the Interior Department, for St. Elizabeths Hospital, $567,750;

To the Public Health Service, $310,300; a total of $8,677,120, or almost exactly one-quarter of the whole appropriation.

The significance of this lies in the fact that one-quarter of the invalid soldiers now in the care of the Veterans' Bureau and hospitalized in Federal institutions are not directly under the control of that bureau. The inquiry made by the special investigating committee in the course of the summer and fall as to the conduct of hospitals has disclosed a difference in treatment of men under these circumstances that calls for careful consideration.

Of course, there is no Army way of curing a sick man that should be essentially different from the naval way of curing a sick man, nor should his treatment in a soldiers' home be essentially different from that in a Veterans' Bureau hospital. And yet we find marked differences. The figures of the cost per day, for example, for the care of patients suffering from tuberculosis in one of the soldiers' homes show on the face of them that no such diet is being given to those men as they ought to receive, or as they would receive were they in a hospital of the Veterans' Bureau.

Here again is a splitting of responsibility.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. LUCE. Certainly.

Mr. MADDEN. Of course, the gentleman knows that we can not remedy that on one of these appropriations.

Mr. LUCE. I am using the appropriation bill as an opportunity to call to the attention of the House certain facts that have come to the knowledge of the Committee on World War Veterans, and particularly the subcommittee on hospitals.

Mr. MADDEN. This committee has all those facts, and we do what we do in face of the facts.

Mr. LUCE. I appreciate that. I am trying to point out that the division of responsibility between the two is sooner or later going to cause unfortunate trouble, and that some agency of the Government ought to be provided, which shall unify and harmonize the whole treatment of the nearly 30,000 sick veterans of the World War.

Mr. MADDEN. Of course, there is a difference of opinion, if my friend will permit, as to whether or not the World War veterans shall absorb all the activities for all the veterans of other wars, or whether the veterans of other wars shall absorb the activities of the World War veterans. There is a great deal of jealousy between these men, and neither wants to surrender to the control of the other. As long as human frailties enter into the consideration of these problems, I presume we shall find the jealousies which now exist continuing to exist elsewhere.

Mr. LUCE. The gentleman is helping me to bring out precisely the thing I want to call to the attention of the House, namely, that these differences, jealousies, interferences, and overlapping responsibilities create a problem that deserves the attention and consideration of every Member of the House who is willing to give special care and thought to the treatment of the disabled veterans. [Applause.]

The CHAIRMAN (Mr. TILSON). The time of the gentleman from Massachusetts has expired.

The Clerk read as follows:

No part of this appropriation shall be expended for the purchase of any site for a new hospital, for or toward the construction of any new hospital, or for the purchase of any hospital; and not more than $3,837,750 of this appropriation may be used to alter, improve, or provide facilities in the several hospitals under the jurisdiction of the United States Veterans' Bureau so as to furnish adequate accommodations for its beneficiaries either by contract or by the hire of temporary employees and the purchase of materials.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. I read with a great deal of pleasure a few days ago—as I was not fortunate enough to be present—the able and instructive address made by the gentleman from Tennessee [Mr. BROWNING] upon the question of the hospitalization of ex-service men who are afflicted with tuberculosis. I heartily agree with the statements made by the gentleman at that time.

I do not know whether I fully understood the gentleman from Massachusetts [Mr. LUCE] as to whether or not in this bill there is a fund that can be used for the erection of hospitals to exclusively hospitalize ex-service men who are afflicted with tuberculosis. If I am correct in my understanding of his statement there is an appropriation, but if that is not true I should be glad to have the gentleman from Indiana [Mr. WOOD] correct me. Is it a fact that a portion of this appropriation, as alluded to by the gentleman from Massachusetts, can be utilized for the erection of hospitals to be devoted exclusively to the treatment of ex-service men who are afflicted with tuberculosis?

Mr. WOOD. I will say to the gentleman from Texas that in this bill there is an appropriation of three million and some hundred-odd thousand dollars which may be used for the extension of hospitalization. As far as tuberculosis is concerned, I understand the doctors have entirely changed their theory about its treatment. They used to say it was necessary to send persons afflicted with tuberculosis to Mexico or New Mexico, but now they are sending them to Canada or some other place.

Mr. HUDSPETH. I will say to the gentleman that they do not have to send them to Canada; they do not have to send them that far north. There are certain places, of which every man who was raised in the West knows, where the climatic conditions are conducive to the treatment and cure of tuberculosis.

Mr. WOOD. The climatic conditions, under the later determination of the doctors, seem to have nothing to do with it at all.

Mr. HUDSPETH. The doctors may say that, but they have never convinced the old-timers of the West, those of us who have seen persons afflicted with tuberculosis come to such places and be cured if they would stay a sufficient length of time. We are not convinced that these doctors know what they are talking about.

Mr. WOOD. A hospital for the treatment of tuberculosis is being built right across the river from the smoky city of Pittsburgh, and they say that is better than in your country.

Mr. HUDSPETH. They say that; but, as I say, they have never convinced us old-timers, who have seen persons afflicted with the great white plague come into the high altitudes of

the West and there get very beneficial effects and often a cure. Every man in the West who has made any observation of tuberculosis cases and knows anything about the results of going to such a climate knows that many of them have been told by the doctors that they were absolutely cured, and then when they returned to a lower climate the trouble would return again. Now, as I understood the statement made by the gentleman from Tennessee [Mr. BROWNING], such an ex-service man receives no compensation while undergoing hospital treatment—that is, after the doctor discharges him from the hospital. Is that correct?

Mr. BROWNING. I will state to the gentleman that there are a good many cases where the men are cut off because it is claimed they are less than 10 per cent disabled, and there are a few cases where there was a considerable amount of involvement where they still get a portion of the pay. Under the regulations and the law they must pay them for six months and at the end of six months the pay is cut off.

Mr. HUDSPETH. As I understand, if a man is said to be 10 per cent disabled he gets $10 a month.

Mr. BROWNING. He gets $8 a month unless he has a family; if he has a wife he gets one more dollar, and if he has a baby in addition he gets a half dollar more.

Mr. HUDSPETH. That is not enough for the care of the baby, and everybody who knows anything about the cost of living for a family knows that.

I just want to make this observation: Why is it that for many years, I will state to the gentleman from Indiana, people have been flocking to the high altitudes of the West—western Texas, New Mexico, and Arizona—and have been cured of this dread white plague, as it is termed; why is it that they have stayed there instead of going to a low altitude or to the exceedingly cold climate of Canada or the country along the Canadian border? It is because there are certain places there where the climate is conducive to a proper treatment of this disease, and it is an outrage for them to dismiss a man and say he has only a 10 per cent disability, as they did in the case of a young man who came to my ranch about a year ago and whom the doctors had examined immediately before he went into the Army and found to be a healthy man.

I gave him a place where he could have plenty of milk, which was necessary. After he came out of the Army he was examined by a competent physician and was pronounced tubercular. He stayed at my ranch about eight months, led an outdoor life, applied for compensation, was ordered examined again—in fact, twice; each time pronounced a tubercular—but was denied compensation, the board stating his trouble was not of service origin. Gentlemen, is not this an outrageous decision? The young man was well when he went in the Army; a consumptive when he came out. "Not of service origin." I am appealing the case to that just man, General Hines, who has never turned a deaf ear to the cause of justice and right, and he never will.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I ask for two minutes more.

Mr. WOOD. Mr. Chairman, reserving the right to object, I move that all debate upon this paragraph and all amendments thereto close in two minutes.

Mr. HUDSPETH. We are trying to get some information about the gentleman's bill, and I do not see how we are going to get it if he does not give us an opportunity to ask some questions about it.

Mr. CONNALLY of Texas. Mr. Chairman, I will say to the gentleman that I do not want any time, but I think we should let the Members have a little time on this item. It is the biggest item in the bill, and I think the gentleman should let these gentleman talk about it a while.

Mr. KINCHELOE. I will say to the gentleman that I want some information, and I have not taken any of the time of the House on this bill.

Mr. CONNALLY of Texas. Do not irritate Members by shutting off debate.

Mr. WOOD. I will modify my motion and make it seven minutes instead of two minutes.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto close in seven minutes.

The motion was agreed to.

Mr. HUDSPETH. I never got the information from the interrogatory I propounded to my friend, the gentleman from Indiana, as to whether you could use this appropriation or any portion of it for the erection of hospitals exclusively for ex-service men suffering with tuberculosis.

Mr. CONNALLY of Texas. This limitation prohibits them from purchasing any site for a new hospital.

Mr. HUDSPETH. That is the way I read it; but the gentleman from Massachusetts says not. Every day I am receiving letters from men who are housed in these Government hospitals where they do not get a nickel, and they are men afflicted with tuberculosis. They resist the military discipline there, and I say to you that there should be hospitals erected exclusively for veterans of the World War who are afflicted with tuberculosis so they can get their compensation at the same time they are getting treatment.

Mr. O'CONNELL of New York. And be under proper climatic conditions.

Mr. HUDSPETH. Yes; I thank my good friend from New York for his timely suggestion. They should be under proper climatic conditions, and yet I have been unable to get the information from the gentleman who is the chairman of the subcommittee.

Mr. LUCE. Mr. Chairman, I think I can perhaps give the gentleman the information he desires.

Mr. HUDSPETH. I will gladly yield to the gentleman, because the gentleman was very courteous to me, and I will be pleased if he can give me the information.

Mr. LUCE. This bill provides for certain extensions of hospital facilities to the extent of about $2,000,000. The bill coming from the Committee on World War Veterans' Legislation will provide for new construction of about $15,000,000.

Mr. HUDSPETH. When will it come, I would like to ask the gentleman?

Mr. LUCE. It will come within a very few days.

Mr. HUDSPETH. I am very glad to hear that.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, I want to say in reply to the gentleman from Texas [Mr. HUDSPETH] with regard to the treatment of tuberculars, it is a fact that the best medical authorities of to-day hold that the place to treat a tubercular is where he expects to live. I will say to the gentleman further that the soldiers' hospital at Dawsonsprings, Ky., is a hospital for the treatment of tuberculosis. They have converted it absolutely into that type of hospital and they are getting fine results, and, by the way, it is one of the best soldiers' hospitals in the United States; and, as I say, they are getting splendid results there.

Mr. HUDSPETH. Will the gentleman yield?

Mr. KINCHELOE. Of course, it is in a good climate.

Mr. HUDSPETH. That is just what I was going to ask the gentleman, if the climate there was not favorable for the treatment of tuberculosis.

Mr. KINCHELOE. Absolutely. It is on a high plateau and is a splendid location.

Mr. HUDSPETH. Does the gentleman think that the country along the Canadian border would be a proper place to locate one of these hospitals?

Mr. KINCHELOE. I do not know about that. I would not think so.

Mr. MADDEN. Let me make this statement. From the information given to us by the Public Health Service, it does not make any difference where they are, if they get the proper treatment.

Mr. HUDSPETH. Yes; they say that, but I do not believe a word of the statement, and there is no man who has had any experience who feels that way about it.

Mr. KINCHELOE. However, the purpose for which I arose is this: Does the gentleman from Indiana hold that out of this amount of $3,837,750 the Veterans' Bureau has the right to construct or improve roads to the hospitals?

Mr. WOOD. I do not think so. I think they would have the right to improve the hospital, but I do not think they would have the right to use the fund for the purpose of constructing roads.

Mr. KINCHELOE. The language is "to alter, improve, or provide facilities in the several hospitals."

Mr. WOOD. That would include facilities upon the grounds, I take it. Under a most liberal construction, I do not think they could use any portion of this money for the purpose of making any road improvements outside of the grounds of the hospital.

Mr. KINCHELOE. I understand that. I am not talking about roads outside of the grounds. I am talking about roads on land that the Government owns.

Mr. WOOD. I think under a reasonable construction of this appropriation they can use it for any purpose that would

be improving their facilities within the grounds or improving the operations of the hospitals.

Mr. KINCHELOE. I ask that question for the purpose of calling special attention to the situation at Dawson Springs. The county had this road and they tore it up in building the hospital. Then the county turned it over to them and told them to improve it. They have been all the summer starting, but I am glad to say they have now about got the road completed, and I was wondering whether they have a revolving fund or an annual fund to maintain the roads that the Government owns to and from these hospitals.

I have got about as much information from the committee as the gentleman from Texas got.

The pro forma amendment was withdrawn.

The Clerk completed the reading of the bill.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executives, bureaus, boards, and offices, for the fiscal year ending June 30, 1926, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. WOOD. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WOOD. I ask for a separate vote on the amendment offered by the gentleman from Texas [Mr. GARNER], abolishing the Tariff Commission.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put others in gross.

There was no demand for a separate vote on any other amendment, and the remaining amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment by Mr. GARNER of Texas: Page 25, line 6, strike out the paragraph.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes had it.

Mr. WOOD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Indiana demands the yeas and nays.

Mr. CONNALLY of Texas. Does the Chair hold that the gentleman from Indiana made his request in time?

The SPEAKER. The Chair had announced that the noes had it, but the gentleman from Indiana was on his feet and demanded the yeas and nays, and the Chair always under those circumstances recognizes the gentleman.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 255, answered "present" 1, not voting 86, as follows:

[Roll No. 51]

YEAS—89

Abernethy	Doughton	Lee, Ga.	Shallenberger
Allgood	Drane	Logan	Sherwood
Aswell	Drewry	Lozier	Spearing
Bell	Driver	Lyon	Steagall
Black, Tex.	Favrot	McDuffie	Stedman
Blanton	Gambrill	Mansfield	Stevenson
Bowling	Garner, Tex.	Milligan	Sumners, Tex.
Box	Garrett, Tenn.	Moore, Ga.	Swank
Boyce	Garrett, Tex.	Morris	Thomas, Ky.
Boylan	Gasque	Morrow	Thomas, Okla.
Brand, Ga.	Hill, Ala.	O'Connor, N. Y.	Tucker
Briggs	Hooker	Oldfield	Upshaw
Browning	Howard, Nebr.	Oliver, Ala.	Vinson, Ga.
Buchanan	Huddleston	Park, Ga.	Vinson, Ky.
Busby	Humphreys	Parks, Ark.	Watkins
Byrnes, S. C.	Jeffers	Quin	Weaver
Cannon	Johnson, Ky.	Ragon	Williams, Tex.
Carter	Johnson, Tex.	Rankin	Wilson, La.
Clancy	Jones	Rayburn	Wingo
Collier	Kerr	Romjue	Wright
Connally, Tex.	Kincheloe	Sanders, Tex.	
Crisp	Lanham	Sandlin	
Deal	Larsen, Ga.	Sears, Fla.	

NAYS—255

Ackerman	Fenn	Leatherwood	Robinson, Iowa
Aldrich	Fish	Leavitt	Robsion, Ky.
Allen	Fitzgerald	Lehlbach	Rubey
Anderson	Fleetwood	Lilly	Sabath
Andrew	Foster	Lineberger	Salmon
Arnold	Frear	Linthicum	Sanders, Ind.
Ayres	Free	Longworth	Sanders, N. Y.
Bacharach	Freeman	Lowrey	Scott
Bacon	French	Luce	Seger
Bankhead	Frothingham	McClintic	Shreve
Barbour	Fulbright	McFadden	Simmons
Beck	Fuller	McKeown	Sinclair
Beedy	Funk	McLaughlin, Mich	Sinnott
Beers	Gallivan	McLaughlin, Nebr.	Sites
Begg	Gardner, Ind.	McLeod	Smith
Bixler	Geran	McReynolds	Snell
Black, N. Y.	Gibson	McSweeney	Snyder
Bland	Gifford	MacGregor	Speaks
Bloom	Glatfelter	MacLafferty	Sproul, Ill.
Boies	Graham	Madden	Sproul, Kans.
Brand, Ohio	Green	Magee, N. Y.	Stalker
Browne, N. J.	Greenwood	Magee, Pa.	Stephens
Browne, Wis.	Griffin	Major, Ill.	Strong, Kans.
Brumm	Hadley	Major, Mo.	Summers, Wash.
Bulwinkle	Hall	Manlove	Swing
Burtness	Hammer	Mapes	Swoope
Burton	Hardy	Martin	Taber
Butler	Harrison	Mead	Taylor, Tenn.
Byrns, Tenn.	Hastings	Merritt	Taylor, W. Va.
Cable	Haugen	Michaelson	Temple
Campbell	Hawes	Michener	Thatcher
Canfield	Hawley	Miller, Ill.	Thompson
Casey	Hayden	Miller, Wash.	Tilson
Chindblom	Hersey	Minahan	Timberlake
Christopherson	Hickey	Mooney	Tincher
Clague	Hill, Md.	Moore, Ill.	Tinkham
Clarke, N. Y.	Hill, Wash.	Moore, Va.	Treadway
Cleary	Hoch	Moores, Ind.	Tydings
Cole, Iowa	Holaday	Morehead	Underhill
Colton	Howard, Okla.	Morgan	Underwood
Connery	Hudson	Morin	Vaile
Connolly, Pa.	Hudspeth	Murphy	Vestal
Cook	Hull, Iowa	Nelson, Me.	Vincent, Mich.
Cooper, Ohio	Hull, Tenn.	Newton, Minn.	Voigt
Cooper, Wis.	Hull, Morton D.	O'Connell, N. Y.	Wainwright
Cramton	Hull, William E.	O'Connell, R. I.	Wason
Crosser	Jacobstein	Oliver, N. Y.	Watson
Crowther	James	Paige	Wefald
Cullen	Johnson, S. Dak.	Parker	Weller
Dallinger	Johnson, Wash.	Patterson	Welsh
Davis, Minn.	Kearns	Peery	White, Kans.
Dempsey	Keller	Perkins	White, Me.
Denison	Kelly	Phillips	Williams, Mich.
Dickinson, Iowa	Kendall	Prall	Williamson
Dickinson, Mo.	King	Purnell	Wilson, Ind.
Dowell	Knutson	Rainey	Winslow
Dyer	Kopp	Raker	Winter
Eagan	Kunz	Ramseyer	Wood
Edmonds	LaGuardia	Ransley	Woodruff
Elliott	Lampert	Rathbone	Wurzbach
Evans, Mont.	Lankford	Reece	Wyant
Fairchild	Lazaro	Reed, N. Y.	Yates
Fairfield	Lea, Calif.	Reid, Ill.	Zihlman
Faust	Leach	Richards	

ANSWERED "PRESENT"—1

Celler

NOT VOTING—86

Almon	Fisher	Mills	Schall
Anthony	Fredericks	Montague	Schneider
Barkley	Fulmer	Moore, Ohio	Sears, Nebr.
Berger	Garber	Nelson, Wis.	Smithwick
Britten	Gilbert	Newton, Mo.	Stengle
Buckley	Goldsborough	Nolan	Strong, Pa.
Burdick	Griest	O'Brien	Sullivan
Carew	Guyer	O'Connor, La.	Sweet
Clark, Fla.	Johnson, W. Va.	O'Sullivan	Tague
Cole, Ohio	Jost	Peavey	Taylor, Colo.
Collins	Kent	Perlman	Tillman
Corning	Ketcham	Porter	Vare
Croll	Kiess	Pou	Ward, N. Y.
Cummings	Kindred	Quayle	Ward, N. C.
Curry	Kurtz	Reed, Ark.	Watres
Darrow	Kvale	Reed, W. Va.	Wertz
Davey	Langley	Roach	Williams, Ill.
Davis, Tenn.	Larson, Minn.	Rogers, Mass.	Wilson, Miss.
Dickstein	Lindsay	Rogers, N. H.	Wolff
Dominick	McKenzie	Rosenbloom	Woodrum
Doyle	McNulty	Rouse	
Evans, Iowa	McSwain	Schafer	

So the amendment was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Jost (for) with Mr. Johnson of West Virginia (against).
Mr. Celler (for) with Mr. Perlman (against).
Mr. Dominick (for) with Mr. Newton of Missouri (against).

General pairs:

Mr. Williams of Illinois with Mr. Fisher.
Mr. Kiess with Mr. Taylor of Colorado.
Mr. Vare with Mr. Quayle.
Mr. Curry with Mr. Almon.
Mr. Griest with Mr. Barkley.
Mr. Mills with Mr. O'Connor of Louisiana.
Mr. Porter with Mr. Rouse.
Mr. Wertz with Mr. Tague.
Mr. Sears of Nebraska with Mr. Davis of Tennessee.

Mr. Anthony with Mr. Croll.
Mr. Rogers of Massachusetts with Mr. Stengle.
Mr. Burdick with Mr. Cummings.
Mr. Sweet with Mr. Woodrum.
Mr. Darrow with Mr. Buckley.
Mr. Fredericks with Mr. O'Sullivan.
Mr. Ward of New York with Mr. Carew.
Mr. Ketcham with Mr. Montague.
Mrs. Nolan with Mr. Collins.
Mr. Roach with Mr. McSwain.
Mr. Watres with Mr. Corning.
Mr. Britten with Mr. Pou.
Mr. Evans of Iowa with Mr. Reed of Arkansas.
Mr. Cole of Ohio with Mr. Smithwick.
Mr. Garber with Mr. Davey.
Mr. Larson of Minnesota with Mr. Sullivan.
Mr. Kurtz with Mr. Doyle.
Mr. Moore of Ohio with Mr. Rogers of New Hampshire.
Mr. Reed of West Virginia with Mr. Fulmer.
Mr. McKenzie with Mr. Goldsborough.
Mr. Guyer with Mr. Kent.
Mr. Strong of Pennsylvania with Mr. Lindsay.
Mr. Rosenbloom with Mr. Wilson of Mississippi.
Mr. Schall with Mr. Kindred.
Mr. Schneider with Mr. Gilbert.
Mr. Peavey with Mr. Dickstein.
Mr. Nelson of Wisconsin with Mr. O'Brien.

Mr. McSWAIN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present, listening, when his name was called?

Mr. McSWAIN. I was present, but I did not understand the parliamentary situation and did not know whether I should vote yea or nay. If I am permitted to vote, I shall vote "nay."

The SPEAKER. The only ground upon which the gentleman is allowed to vote is upon the theory that the name was not called.

Mr. McSWAIN. I heard my name called.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CONNALLY of Texas. Mr. Speaker, I offer the following motion to recommit which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. CONNALLY of Texas moves to recommit the bill to the Committee on Appropriations, with instructions to that committee to report the same back forthwith with the following amendment: On page 13, line 3, relating to the Federal Trade Commission, strike out the entire proviso down to and including line 9.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. CONNALLY of Texas) there were—ayes 54, noes 141.

So the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

The bill was passed.

On motion of Mr. WOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

WRITS OF ERROR

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the following order which I send to the desk.

The Clerk read as follows:

Ordered, That the Clerk of the House be directed to request the Senate to return to the House the bill (S. 2693) entitled "An act in reference to writs of error."

Mr. GRAHAM. Mr. Speaker, this is just in order to correct an error. The Supreme Court procedure bill and this writ of error bill were both passed on last Monday and were on the Consent Calendar. Afterwards in the Senate the Senator from Massachusetts, Mr. WALSH, moved an amendment to the larger bill providing for an appeal as a matter of right from the circuit courts of appeals in cases where a State statute was regarded as impinging on the Constitution of the United States and the validity of the State statute was not sustained. That, of course, would not have been appealable as a matter of right under the old law or under the new one. This amendment was concurred in by the House, and that bill has been finally passed and, I understand, is enrolled and about to reach the President. This writ of error bill has a clause in it which would repeal the necessity for assigning errors in this new case of right to appeal by writ of error, and it is to correct this that I ask for the return of this bill.

Mr. CONNALLY of Texas. Why could it not be amended in the Senate and then let the House concur in it?

Mr. GRAHAM. It has passed the Senate and is in the hands of the enrolling clerk, but has not yet been signed by the Speaker. Therefore it is subject to this order.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the order.

The order was agreed to.

PULLMAN SURCHARGE

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I ask unanimous consent to make an announcement to the House that will require a few moments.

The SPEAKER. The gentleman asks unanimous consent to address the House for half a minute. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker and gentlemen of the House, about 10 days ago I wrote a letter to each Member of the House calling attention to the petition which is at the Clerk's desk providing for the discharge of the Interstate and Foreign Commerce Committee of the House from further consideration of H. R. 2697, which proposes to do away with the Pullman surcharge. The Senate passed the bill in the last session of the present Congress. For about two years both myself and a number of others have repeatedly asked hearings on this matter before the committee, and up to this time we have been unable to get a hearing of any kind at all. The country wants this repealed and the whole traveling public wants it repealed. I hope that the Members who think it should be repealed will sign the petition that is on the Clerk's desk.

The SPEAKER. The time of the gentleman from Nebraska has expired.

PAY OF CERTAIN NAVY AND NAVAL RESERVE FORCE OFFICERS

Mr. BURTNESS. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 8263) to authorize the accounting officers of the Treasury to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their rank for services performed prior to the approval of their bonds, with Senate amendments thereto, and move to concur in the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 1, line 3, strike out the words "accounting officers of the Treasury are" and insert the words "General Accounting Office is."

Amend the title to read: "An act to authorize the General Accounting Office to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their rank for services performed prior to the approval of their bonds."

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

AUTHORIZING CERTAIN INDIAN TRIBES TO SUBMIT CLAIMS TO THE COURT OF CLAIMS

Mr. HADLEY. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 2694 and to concur in the Senate amendment.

The SPEAKER. The gentleman from Washington calls up from the Speaker's table the House bill with Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 2694) authorizing certain Indian tribes or any of them, residing in the State of Washington, to submit to the Court of Claims certain claims growing out of treaties or otherwise.

The Senate amendments were read.

The question was taken, and the Senate amendments were concurred in.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12033, the District of Columbia appropriation bill, and, pending that motion, I would ask the gentleman from Kansas [Mr. AYRES] what, if anything, he desires in regard to general debate?

Mr. AYRES. I should think about three hours.

Mr. DAVIS of Minnesota. That is satisfactory to me.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that general debate be limited to three hours—one-half of that time to be controlled by himself and one-half by the gentleman from Kansas. Is there objection? [After a

pause.] The Chair hears none. The question is on the motion of the gentleman to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12033, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12033, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes.

Mr. DAVIS of Minnesota. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVIS of Minnesota. Mr. Chairman and gentlemen of the House, when my commission as a Representative in this body terminates on the coming 4th of March, simultaneously there will draw to a close my official connection with the affairs of the local government, which has been almost continuous since I came to Congress 22 years ago.

When I look about it is difficult to realize the changes that have been wrought during the course of those years. From a city of some two hundred and seventy-odd thousand souls the population steadily has grown until to-day, or at least according to the last decennial census, the number has climbed to 437,571. To care for these people has meant virtually doubling the housing facilities. The fields and woods which formerly lay to the north and west of us, within the confines of the District, but which yet were country, have answered the city's call, and to-day we find in their stead the newer residential sections. In the space of those years I have witnessed the development of the splendid system of parks with which the city now abounds and which are only the beginning of what will follow. I have seen impressive structures of granite thrown up for the accommodation of the Federal Government's expanding functions. I have witnessed the construction of numerous and splendid schoolhouses, of public libraries, of institutions for the care of the city's sick and needy. I have seen the streets and highways made comparable with any throughout the land. I have seen inaugurated and nearly completed an auxiliary water-supply system which will more than double the capacity of the existing system. Perhaps the most beautiful and impressive improvement that has been made during the whole of these years is that grand and inspiring edifice raised up to the west of us in the shadow of the hills of Arlington to the memory of Abraham Lincoln. In short, my friends, I have witnessed the city's development to the point where it is claimed for it, and I think rightfully so, to be the most beautiful city in the world. That is the goal toward which we have bended our efforts, and if we have attained it, as has been said, I urge you to carry on. That is what the Capital City of this great Republic should be, and it will be your duty to see that it ever remains so. I am proud, indeed, of my part in its accomplishment.

Not the least change that has transpired during my stay here, Mr. Chairman, has had to do with the expenses of the city. Twenty-two years ago, for the fiscal year 1905, the appropriations totaled $11,242,035, which were shared equally by the Federal and District Governments. These have been gradually and steadily going forward, and quite naturally so, until this year I bring you a bill totaling $31,016,957.

You will recall, gentlemen, that up until the fiscal year which ended June 30, 1922, the Federal Government, with a few negligible exceptions, contributed 50 per cent of the appropriations for the expenses of the local municipal government, apart from the water department, which was self-sustaining. For the fiscal year 1923 Congress decided that there was no longer any equity in this arrangement and provided that, commencing with that year, it would reduce its contribution to 40 per cent. That course was followed during the fiscal years 1923 and 1924, and for the current fiscal year, which ends the 30th of next June, we inaugurated the policy of contributing a lump sum.

The reason for this is obvious. While this is the National Capital, the interest of the Federal taxpayer does not extend beyond the Federal buildings and reservations and possibly so much of the city proper as may be said to be incident and solely due to the seat of government being here situated. Their interest, of course, does extend to the city as a whole in so far that they desire to see that it is developed along lines befitting the Nation's Capital; but at the same time they feel that the local residents should not look to them for greater assistance, overburdened as they are with State, county, and municipal taxes, at least until the people of Washington are called upon to pay taxes more nearly commensurate with their own, or the comparable part of their own. In this, Mr. Chairman, I feel that they are right, and I think we would not be true to them if we should fail to harken to this line of reasoning.

That was the situation that confronted us a year ago, gentlemen, and it is the situation that confronts us to-day. The people here are clamoring for larger appropriations, and admittedly they should have them. Building operations constantly going on call for new streets, new sewer, water, and lighting facilities, new schools, and larger police and fire forces, and these extended activities in turn require larger appropriations for their maintenance and support. On the other hand, the Budget system has come into being. The Executive tells us what can be appropriated without involving an increase in taxes or to make possible a reduction in taxes. If we are to keep within the Budget, and if we do not we may as well abandon it, then we have but two courses open to us. One is to deny the needed money for betterments and maintenance or to say here is the limit which we can give you; if you want the other things, you will have to foot the bill. Last year's bill and the bill which I present to you now, Mr. Chairman, were formulated on the latter premise. Last year we gave a lump sum of $9,000,000, plus our share of miscellaneous revenue, which amounted during the fiscal year 1924 to $858,000. We propose the exact same course in this bill.

I do not wish any of you to get the impression that the difference between what we contribute and the face of the bill falls on the local taxpayer. The bill carries a total of $31,016,957. Of this amount $1,222,210 will be charged to the water revenues, $812,000 will be charged to the receipts from the tax on motor-vehicle fuels, and in addition to the Government's share of miscellaneous revenue, which the bill provides shall be credited wholly to the District, the District's own share of such revenue will amount to something like $1,700,000, if the 1924 figures may be considered a criterion. Therefore, Mr. Chairman, deducting these factors from the total of the bill, there remains for the local people to meet through taxation but $17,500,000, and this, my friends, in my judgment, can be met without an advance in the existing tax rate of 14 mills on the dollar.

At this point I desire to read from the committee's report with reference to the local financial situation. Some of you may have read it, but I wish you all to have the picture:

There probably is no municipality in the country in a healthier financial condition than the National Capital. Provision was made in the current appropriation act for completely liquidating the old 3.65 bonds, and the city is not now confronted with any form of indebtedness.

To-day there stands to the credit of the District on the books of the Treasury a cash reserve of $2,251,945.82, accumulated in pursuance of the District of Columbia appropriation act for the fiscal year 1923, and by July 1, 1927, this amount will have been augmented out of current revenues to the extent necessary to permit the District to operate on a cash basis without any advance of public funds awaiting income from taxes, to say nothing of the credit of $4,438,154.92 which has just been voted. In addition to these factors the District is in the enviable position of being assured of generous Federal aid in defraying its expenses and is confronted with no large undertakings which would necessitate a bond issue in the average municipality.

There is now drawing to completion a spendid auxiliary water supply, which will cost above $9,000,000, and in which the Federal Government is participating, and no other sizable projects are on the horizon which would occasion an expense necessitating a tax rate widely different from the relatively low rate now operative, i. e., $1.40 per $100 of assessed valuation on real estate and tangible personal property and five-tenths of 1 per cent on intangible personal property. The present rate also includes the annual sum necessary to build up the cash reserve above referred to, which will be accomplished by July 1, 1927.

The situation should be most gratifying to the local citizenry and stands out in marked contrast with conditions in many of the States and municipalities where reports indicate debts are mounting up, some with accompanying tax increases and some to avoid additional levies.

Do you think, gentlemen, with this picture before you, that we have been unfair to the District? The fact is we are proposing a contribution the equivalent of about 34½ per cent of the total of the expenses which in the past have been shared in by the Government. During the last year the 60–40 plan was in operation, our contribution actually was but 35 per cent, because in that and prior years we got a refund, while this present year we surrendered those refunds and are proposing so to do next year.

Personally, I should like to see the lump sum become permanent law and I am not so sure that that is not the desire of a majority of the local citizens. Their interests would be better served in that the way would be cleared for getting their requirements before Congress. The Burget is required to submit its recommendations in accordance with law. The permanent law at present is that the appropriations shall be made on the 60–40 basis. If the lump sum were permanently established there would then be no reason why the Budget should not present to Congress the estimates of the District of Columbia in such total amount as the citizens are willing to stand for by way of taxation with due consideration being given to the relative importance and merit of the various objects to be appropriated for. The other natural sequence would be to force a determination of what should constitute a fair and just rate of taxation for the people of the District to pay for the benefits and privileges which they enjoy. Both ends, Mr. Chairman, are desirable of accomplishment.

Broadly speaking, the provisions of this bill are not widely different from the current appropriation act, or, perhaps I should say from the current appropriations, because you will recall that it was necessary to supplement the current appropriation act by appropriations totaling $2,436,120 in a deficiency act to provide for the pay increases granted at the last session to school officers and teachers, and to members of the park police, the Metropolitan police force, and the fire department. I do not propose to take up your time with minor changes, but I should like to refer briefly to some of the items which stand out in marked contrast with the current appropriations.

I wish to direct your attention first to the appropriations on account of street and road improvement and repair. For improving specifically designated thoroughfares we appropriated for the present fiscal year $1,530,650. This was the largest annual appropriation ever carried for such purposes, and, of course, was due to the new tax on motor-vehicle fuels, the revenue from which is available solely for paving, grading, and otherwise improving streets. This bill carries $1,110,750 for similar purposes, of which $812,000 is chargeable to this motor-vehicle fuel tax fund. The appropriations proposed, while in excess of the Budget recommendations, fall short of the current appropriations to the extent of $419,900, and the only reason for it is that, being restricted in the total amount of their estimates, the local authorities felt that since this new source of revenue would provide for more street paving than heretofore had been accomplished out of the regular appropriations, and that great strides had already been made by reason thereof, that here was a place where a reduction might be made and the saving applied toward meeting increases under other heads. Before this new fund came into existence the comparable appropriations never exceeded $575,000 in any one year, so it will be seen that the reduced amount we are proposing for next year is about double the largest sum which formerly had been appropriated.

All of these specifically designated street items, I might add, were inspected personally by members of the subcommittee charged with the consideration of this bill, and I can assure you that they all possess merit. During our inspection we were impressed with the need for paving a number of streets not provided for in the Budget, and we have included provision for them. They amount to $60,000. We also made provision for widening and repairing E Street NW. from Fifth Street to Thirteenth Street, stipulating that 40 per cent of the cost should be assessed against abutting property.

For repairing streets, urban and suburban, we are providing $897,500, which is an increase of $22,500 over the current appropriation. This is used for ordinary repairs and is not intended to meet any abnormal condition, such as has been occasioned by the recent snows. While mentioning snows, Mr. Chairman, I wish to direct attention to page 8 of the report on the bill, wherein explanation is made of the procedure with respect to the removal of snow and ice. I suggest that you read it, gentlemen, and you will see where the blame for the conditions which recently confronted us rightly lies.

Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. DAVIS of Minnesota. I will.

Mr. HOWARD of Nebraska. Every place I go in Washington the people tell me Congress is to blame. I understand the gentleman to say that Congress is not to blame.

Mr. DAVIS of Minnesota. It is not, and I will say if the gentleman will read this report, page 8, he will find why it is not.

Mr. HOWARD of Nebraska. I would like permission to say to the gentleman, who has so much to do with the District of Columbia legislation, that there is not an incorporated village in my home State that would permit the shameful condition of the sidewalks that is permitted here.

Mr. BLANTON. Will the gentleman yield?

Mr. DAVIS of Minnesota. I will.

Mr. BLANTON. I was wondering if the gentleman from Minnesota is not rather superstitious in proceeding with only 13 Republicans to hear him on this $31,000,000 bill?

Mr. DAVIS of Minnesota. I will say this to the gentleman, I do not believe partisan politics should enter into it at all and I think the Democrats here will vote appropriations just as well as Republicans will.

Mr. BLANTON. If the gentleman is not superstitious, I am not.

Mr. DAVIS of Minnesota. I am not superstitious at all. I think when this bill is fully explained upon the floor as it is read item by item, when we get through, I do not care whether a Member comes from Louisiana or Minnesota or Maine, it is immaterial, he is going to vote for this bill. That is my opinion.

Mr. BLANTON. I am not superstitious about the number 13 at all.

Mr. RANKIN. If the gentleman will permit, I will say to the gentleman if it is a righteous bill the Democrats will pass it all right, so why make a fuss about the absence of my friends on the other side?

Mr. BLANTON. I would not care if there were just 13 of them here permanently.

Mr. BEGG. If the gentleman will permit, 13 good Republicans are plenty to take care of the Democrats.

Mr. DAVIS of Minnesota. The school question is one in which we are all interested. I believe that this city should have a public-school system which, in all respects, may be pointed to as a model for the entire country. There is nothing of greater importance in this bill, and the requirements had our very careful and sympathetic attention. We are providing for all of the additional school officers and teachers recommended, numbering 87; we have made provision to improve the textbook situation, and we have taken cognizance of the disrepair existing in some of the schoolhouses and added $75,000 to the Budget estimate and made the whole sum immediately available. The schoolhouse situation here still is a problem. The committee will welcome a bill which will prescribe a program by which we may be guided in presenting to you items for the acquirement of sites and for the construction of additional buildings. The facilities are wholly inadequate. Everyone recognizes that, Mr. Chairman, and the haphazard way we have been proceeding in the past to remedy it reflects no credit upon any of us. The question is important and big enough to be studied by a specially constituted agency and a plan evolved by which we may be guided in providing an appropriate measure of relief and having some relation to relative importance. We are providing for new buildings and for new sites $1,215,000.

The buildings provided for will accommodate approximately 3,180 pupils, but, of course, they will not be used wholly to meet the increased attendance. Some of the additional accommodations will go toward eliminating portables, some toward eliminating undesirable rooms and part-time classes, while others will supplant accommodations in existing buildings which are slated to be abandoned as unfit and unsafe for school purposes. We were given to understand, Mr. Chairman, that all of the items we are recommending are embraced by the five-year program which the school authorities are advocating, and I can assure you that, so far as the committee is aware, that program includes no items more urgently needed than those we are presenting.

Another conspicuous change in the current appropriation occurs under the police department. Your committee was impressed with the situation here touching the handling of traffic. The lives of all pedestrians are constantly in jeopardy; and while the fault may not be due entirely to an inadequate police force, the committee felt called upon to provide some measure of relief to the extent that it had jurisdiction. We called in the police authorities and in consequence of our talk with them have included in this bill provision for 128 additional members of the police force. Sixty of these men will be regularly

assigned to the direction and control of traffic at points where there are now no regular details, 25 of them will be assigned to the motor-cycle squad, and the remainder will be employed in the discretion of the superintendent of police for general detail, primarily in connection with traffic. Whether a larger force is required I seriously doubt. I hear that some are proposing a larger number of additional patrolmen. Personally, Mr. Chairman, I feel that if some members of the existing force were prodded a little more and were required to manifest more interest in traffic matters and not leave it all to the fellows on the traffic squad that conditions would be very materially improved.

One of the largest items we are proposing, contrasted with the current act, has to do with the new National Capital Park Commission. The authorized annual appropriation on account of this commission is $1,100,000. The Budget estimate is $600,000, and the committee is proposing an appropriation in that sum. Those responsible for the law creating this commission are to be commended, Mr. Chairman, for their good judgment in selecting and designating the officials who were to compose it. In the hands of such agents I feel that Congress can well rely upon the wise application of such sums as it may place at their disposal. I am unable to acquaint you with the particular parcels or tracts of land which it is proposed to acquire with the money which the bill proposes to make available. The commission has made no more than tentative plans up to this time, but these are of sufficient definiteness, the committee has been given to understand, as to require for their fulfillment considerably more than the appropriation proposed in this bill. It was indicated to the committee that the first objective would be to complete the so-called Fort Drive, encircling the city and touching in its course each of the forts thrown up during the Civil War for the defense of the city. I say complete, because much of the route will be over streets already in existence. The whole project, however, contemplates the acquirement of certain areas both for roadway and park purposes.

One other item remains, I believe, Mr. Chairman, that stands out prominently in contrast with the current appropriation, and that has to do with the new water supply project. That work has progressed to a point now where it can be proceeded with with more dispatch, and consequently it becomes necessary to make a larger amount available. The engineers are prepared now to let contracts for all of the remainder of the work, and the bill provides that this may be done. The appropriation of $2,500,000 proposed brings the total of appropriations on this account up to $7,225,100, leaving but $1,943,900 to be appropriated hereafter.

Probably I should not neglect to refer to the charitable and correctional items. We have not gone under the Budget on any of these items. On the contrary, in a number of cases, I trust with your approval, we felt justified in proposing more than the Budget had recommended.

In connection with these activities I should like to bring out this thought—it is one that has often occurred to me and one which I had planned when time permitted to devote some study to: The average population during the fiscal year 1924 of the institutions for the support and maintenance of which we carry appropriations in this bill numbered in the aggregate 1,675. For the purchase of articles of food for this population there was expended approximately $201,000. At a number of these institutions farms or gardens are conducted, dairy herds are maintained, hog raising is indulged in, and poultry raising is carried on. None of the institutions I have in mind is self-sustaining, and each carries on the activities I have indicated independent of the other. Now I do not see, Mr. Chairman, why, with the exception of sugar, flour, salt, pepper, and possibly one or two other articles, enough products should not be raised at all of these institutions which when pooled would meet the year-around demands of all of them. Considerable acreages exist at a number of these places, and the soil is adaptable for all kinds of farm products indigenous to this climate. Of course, no canning facilities exist to the extent that would be required, and, perhaps, other things would have to be provided, such as farming implements, hothouses, barns, and so forth. How much of an initial outlay would be necessary I would not even attempt to approximate, but I believe the idea is feasible and workable, and that the investment would surely and quickly pay substantial dividends. I hope some of you will be sufficiently interested to follow up the matter. I thank you, gentlemen, for your attention. [Applause.]

Mr. AYRES. Mr. Chairman, I yield myself 30 minutes.

The CHAIRMAN. The gentleman from Kansas is recognized for 30 minutes.

Mr. AYRES. Mr. Chairman and gentlemen, as a member of the subcommittee which drafted the pending measure, I desire to make a few observations as to some of the items contained in the bill, as well as to some other matters relating to the fiscal relations between the District and National Governments.

I want to speak first of the plan known as the "lump sum" or "specific sum," which the present measure carries, and which was adopted last year by Congress in lieu of the former plan of appropriating on the 60–40 basis; that is, where 60 per cent of the expenses of running the District government were borne by the District of Columbia and 40 per cent by the National Government.

One year ago I advocated the lump-sum plan. I felt then it was the best for the District and the National Governments. I never have been able to understand why there should be an arrangement providing for a percentage contribution. No satisfactory reason, to me at least, has ever been advanced why the National Government should bear 50 per cent of the running expenses of the District government and the District 50 per cent, as was the case when I first came to Congress, and afterwards changed to 60 per cent to be borne by the District and 40 per cent by the National Government. At the present time we are operating under the "lump-sum plan," and I am of the belief, if the truth could be had, that this method is much more satisfactory than the percentage plan.

Last year when presenting or advocating the present plan I set forth my reasons fully why, in my opinion, it would be best to change to a specific amount, and therefore will not repeat what I then said.

I am aware of the fact that not all of the residents of the District are satisfied with the change and that there is great pressure being brought to bear on Congress to return to the percentage basis. There are many in Washington so intent on getting back to that old plan that I am confident they would be willing to accept even a 25–75 per cent basis; that is, 75 per cent of the expense to be borne by the District and 25 per cent by the National Government. It is difficult for me to understand the reason for this feeling. I do not know whether it is simply sentiment on the part of those people or whether it is a selfish view, thinking the National Government will bear more than its just share of the burdens of the District and thus save the taxpayers and property owners of the District a higher rate of taxes. I am not prepared to say. I have for years been convinced that the percentage basis was not a fair and just basis or plan for the fiscal relations between the National and District Governments; that it would be far better for both to have the National Government make an appropriation of a specific amount, fixed in the law, as its share, and the District authorities would then know in advance exactly what they would have to raise in the way of revenue to meet the balance necessary for the District, and would know what rate of taxes it would be necessary to levy to raise this revenue. I did say last year when this question was being considered that there should be a thorough investigation made to ascertain what would be just and equitable for the National Government to appropriate as its share of the annual expense of the District of Columbia.

The National Government owns and possesses millions of dollars' worth of property in the District, none of which, of course, is taxed. I am inclined to the belief these holdings have about reached the maximum; that is to say, the National Government will add but little if any more to its holdings in the District that will disturb the existing proportionate value as between Government and private property. Therefore, it seems that it should not be a difficult matter to arrive at a just figure or the amount it ought to bear. However, owing to the fact that no survey of this kind has ever been made, and there appears to be no prospect of one being made soon, at least as long as the question of the fiscal relations between the National and District Governments remains unsettled, the committee has to reach a conclusion as to what would constitute an equitable contribution based on the record of the past as to the amount paid by the National Government under the former percentage plan. That record, beginning with 1915, when I entered Congress, shows that the National Government appropriated $6,590,431.56. In 1916 it was about the same, but gradually increased until the fiscal year 1924, which was the last year under the percentage plan, when it amounted to $8,631,745.20. It must be borne in mind that the National Government received 40 per cent of a great many of the receipts of the District from miscellaneous sources, which amounted to over $850,000 during the fiscal year 1924. Last year, when we adopted the "lump-sum" plan for the present fiscal year of 1925, we allowed the District to retain all current receipts, which will amount to a great deal over $2,000,000, including that portion which formerly reverted to the Gov-

ernment. This bill carries the same provision; so, in addition to the flat sum of $9,000,000 we appropriate for the District, it receives all revenues which heretofore have been divided on a 60–40 per cent basis between the District and National Governments. In other words, we are actually contributing not less than $9,800,000, instead of $9,000,000. Contrasted with contributions in former years under the 60–40 plan it would seem quite apparent that if anything we have leaned too far the District's way.

The plan of a lump-sum appropriation should by all means be made permanent law so that there would be no longer the question of a doubt as to the fiscal relations of the two Governments. If at any time later it develops that the National Government should appropriate a larger amount than $9,000,000, it can be changed; likewise, if it should develop the National Government is bearing more than its just share, then the amount can be reduced. In any event this should be a fixed policy made so by permanent law. I am firmly convinced when this arrangement becomes a fixed policy it will be much more satisfactory than the present annual row. Furthermore, I believe when the property owners of this city and District are required to pay taxes the same as are paid by property owners of other cities of similar size and even much less in population to raise the revenue necessary to meet the expense of improvements running into millions of dollars now demanded by the District and much of which has to be denied, they will have altogether a different view of the question than taken at this time. I can say without doubt Congress will take a different view and will be far more liberal in meeting these demands.

I also feel that when it becomes necessary for the increase of the tax rate from the present rate of $1.40 on the hundred to about three to four and five dollars on the hundred, the tax rate in other growing cities, there will not be so many and urgent demands for unnecessary improvements or projects on the part of so many residents and property owners of the District. In all probability there would not be so much unfavorable comment in certain newspapers against Congress when it sought to save the taxpayers of this city from unreasonable demands. I am exceedingly anxious to try it out anyway before I leave Congress.

On last Friday, the day after this bill was reported out, there appeared in the Washington Post an editorial headed "District appropriations." I wish to quote a few extracts from that editorial. For instance, it relates the following:

> By adopting the fixed sum of $9,000,000 Congress has contrived to shift $2,573,098 to the shoulders of local taxpayers in next year's expenditures for the District government.

Just think what an outrage to shift this $2,573,098 to the local taxpayers, who now pay, or are supposed to pay, taxes at the rate of $1.40 on the hundred. There is scarcely a village in the country anywhere but what has a tax rate of anywhere from $1.50 a hundred to $2 a hundred. My own city of Wichita, Kans., a city of a little over 100,000 population, has a tax rate of about $3 a hundred, and the only reason why the property owners of Washington are not paying taxes like other growing cities is because the taxpayers throughout the Nation have been paying them for them, which Congress is now seeking to remedy. Again the writer of this editorial calls attention to the fact:

> Congress, in recent years, has responded to that desire by erecting memorials, establishing and embellishing parks, extending streets and avenues, and otherwise building up a city of noble proportions. This work can not go forward, of course, if almost the entire cost is to be borne by local taxpayers. They can pay for municipal upkeep approximately what other taxpayers can pay for the same purpose. No set of municipal taxpayers in the United States would undertake to develop their city as a national capital without proportionate aid from the National Government.

I agree, in part, with the writer. Congress has erected memorials and established parks and has done many other things for the city of Washington, costing hundreds of millions, for which the taxpayers of the Nation as a whole have paid, none of which was taxed to the District of Columbia, and Congress, no doubt, will continue to erect memorials in the city of Washington at the expense of the whole Nation and without any expense to the property owners and taxpayers of Washington, something that it is not doing for any other city in the Nation; but that does not signify that Congress should continue to tax the whole Nation to the extent that the property owners and taxpayers of Washington will not be compelled to bear their just burdens of caring for the needs of their own city.

The National Government takes care of its memorials and Government establishments all at its own expense and at no expense to the District government. The National Government has been paying between 35 and 40 per cent of $9,169,000, the cost of a water system for the people of Washington; the President is asking for a bill to carry $14,750,000 to erect a memorial bridge across the Potomac River connecting Arlington with this city, and the city will not have to pay one penny of the expense, nor for its upkeep in the future. I could mention scores of such projects which no other city or people in the United States enjoy, and let me say there is not a city in the United States but what would gladly appropriate and donate millions of dollars annually for the same privileges as enjoyed by the citizens of this city, and never complain. I quote another extract from that editorial:

> Washingtonians are as liberal in their contributions to the National Government as are any set of taxpayers in the country. It may be proved that they are in fact more liberal; for they voluntarily assume the cost of many celebrations and ceremonies incident to a national capital, although such items are properly chargeable to a national government.

Thousands upon thousands of people will be in this city during the inauguration to spend their money with local merchants, hotels, and so forth. I can name 75 or 100 cities in the United States that would pay $500,000 to $1,000,000 for this inauguration and yet Congress has already been called upon to appropriate $40,000 to bear this expense, and it is safe to predict will be called upon for a deficiency appropriation for at least that much more, and the chances are we will see another editorial that Congress was penurious because it did not appropriate $150,000 to begin with.

If there is a class of business men in the United States who have a constant harvest, it is here in Washington. In some localities the retailers and wholesalers alike wonder if the mines will continue to run or will shut down and stop the pay roll, and thereby stop their business. In other localities they worry for fear the factories may shut down or a strike may occur and the pay roll stop. Out in my country, as well as all other agricultural sections, the business men watch with anxious eyes the clouds as they gather, hoping and praying the drouth will be broken, realizing full well if it is not their business is gone, and I could go on with other illustrations.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. AYRES. Yes; I yield to the gentleman.

Mr. BLANTON. I think so much of the distinguished gentleman from Kansas that I am a little uneasy as to what would happen to him in the way of punishment if he expressed himself further in the way in which he has just been talking. Those boys up there in that gallery are liable to punish him.

Mr. AYRES. Just as long as they do not drop any bombs on me it will be all right. [Laughter.]

Mr. BLANTON. They punish me for giving expression to my views.

Mr. AYRES. I am perfectly willing to take the punishment. I am speaking what I think are the facts in this matter, and I am perfectly willing and expect to pursue that course.

I want to call attention to another fact, and I was just about to do so when the gentleman from Texas interrupted me, and that is that here in Washington the business man does not have to worry as to whether or not mines run or whether factories close their doors or whether or not there is a wheat, cotton, or corn crop, or whether it rains or the sun shines, for Uncle Sam never closes his doors nor ceases to do business, nor does he fail to keep up and keep going his pay roll here in Washington of about $100,000,000 each and every year, or over $8,000,000 a month. And if there is anyone outside of the city of Washington who entertains the idea that any Government official or employee escapes from this city with any of his salary, let him come and try it and be convinced of his mistaken idea. And when I speak of business men here in Washington I want it distinctly understood I am including with much emphasis many landlords. The gentleman from Texas may not agree with me in that respect.

Mr. BLANTON. I agree with the gentleman.

Mr. AYRES. That is all I have to say concerning that matter.

CLEANING STREETS

Mr. Chairman, there has been much said recently about the condition of the streets here in Washington as to the failure to remove the snow, and as usual Congress has been criticized because of failure to make appropriation to care for the streets. It has become such a habit on the part of some to find fault

with Congress for everything that goes wrong they never stop to make inquiry who is at fault. I am making no criticism of anyone because the streets of this city were allowed to get in such a condition during the heavy snow. I shall leave that to others. I do intend, however, to resent the unjustified criticism of Congress and my committee regarding this matter.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. AYRES. Yes.

Mr. WHITE of Kansas. I do not like to interrupt my colleague, but I recall that there was a very animated discussion in another body of this Congress on the Saturday succeeding the big snow we had this winter. No move had been made in this part of the city to remove any of the snow at that time, but after that discussion, when the condition of the streets was called to the attention of Congress the next day, on a holy Sabbath morning, they had out a great many snowplows up and down Pennsylvania Avenue. I want to ask the gentleman whether it is not fair to conclude that Congress having appropriated the money and the authorities having purchased these appliances, the city authorities had forgotten that they owned them until the discussion which took place in the Senate called their attention to the subject?

Mr. AYRES. I will let the gentleman draw his own conclusions as to that.

Mr. WHITE of Kansas. I do not want to be critical, but is not that a fact?

Mr. AYRES. It was not because an appropriation was not made for the purpose, I will say to my colleague.

Mr. WHITE of Kansas. I agree with the statement made by the gentleman at this time absolutely.

Mr. AYRES. I want to call attention to the fact that the subcommittee on the District of Columbia recommended for this fiscal year an appropriation of $410,000 for street-cleaning purposes. I repeat, the subcommittee on appropriations for the District, of which I am a member, proposed and there was appropriated for this fiscal year the sum of $410,000 for street-cleaning purposes; that is, to remove dust and for cleaning snow and ice from the streets, sidewalks, crosswalks, gutters, and so on. At the time of this condition that the gentleman spoke of a few moments ago there was $180,000 of that fund available for that purpose, with a provision in the law that the city authorities could spend as much more as necessary in an emergency such as that and bring in a request for a deficiency appropriation.

So I want to say that Congress is not to blame regarding this matter. If I am mistaken in regard to this provision in the present law, I want to be corrected by the chairman of the committee. My recollection is that the appropriation provided that they could go on and use the appropriation, and, if necessary, as I said, bring in a request for a deficiency appropriation. If those who delight in attacking Congress for all things that go wrong here in the city of Washington can suggest what more Congress could do except to get out and shovel snow, I would like to hear from them. The present bill carries an appropriation of $430,000 for the same purpose of cleaning the streets.

While on the subject of streets, there is another matter which I do not think should be passed unnoticed, and that has to do with paving work required to be performed by the street railway companies. You will recall, gentlemen, that a year ago we provided for repaving Eleventh Street SE. from Pennsylvania Avenue to the Anacostia Bridge. The street was paved with cobblestone and was in a very rough condition, including the portion within and immediately exterior to the car tracks which traverse that thoroughfare. When we were out making our inspection of the street-improvement items embraced by this bill I discovered that Eleventh Street had been repaved but only that portion exterior to the street-car tracks, although the law provides, Mr. Chairman, that the street railway companies shall pave between their tracks and 2 feet on each exterior side thereof; and further provides in the event of their failure to do so that the District shall proceed to do the paving for them and sell certificates of indebtedness bearing 10 per cent interest to the value of the cost of the work performed, and sell property of the delinquent company to the extent necessary to redeem such certificates of indebtedness should they not be redeemed within one year. For my part I object to allowing these companies to defer work, which we provide shall be done, to suit their convenience. I think it is contrary to law and it is not fair to the public, particularly the owners of abutting property, to have the street torn up on two occasions when it all could be accomplished at one and the same time. I protest against such a course and I propose to the extent of my ability to put a stop to it as long as I am a member of the committee.

PUBLIC SCHOOLS

Now, I would like to speak of the public schools, if I have the time to go into the subject.

The CHAIRMAN. The gentleman has 7 minutes remaining of the 30 minutes that he allotted to himself.

Mr. DAVIS of Minnesota. Mr. Chairman, if necessary, I will yield to the gentleman 10 minutes more of my time.

Mr. AYRES. I thank the gentleman.

For all school purposes this bill provides a total appropriation of $9,130,517. This is $545,302 more than appropriated for the present fiscal year, but it is $54,754 less than the Budget recommendation or estimate. This committee has been very liberal with the question of public schools. I feel we were justified in decreasing some of the items and materially increasing others. There is an increase of $404,350 over the present or current appropriation for personnel alone. This is due to an increase in the personnel and to longevity increases. The Budget allowed or proposed $475,000 for the construction of a new junior high school at Fourth and E Streets NE. The committee felt $175,000 toward that construction is all that is necessary to appropriate at this time. The committee also felt there were new items that should be provided for in this bill and accordingly added three, namely, for the purchase of a site for a new school in the vicinity of Rhode Island Avenue and South Dakota Avenue, to cost $25,000; and for the purchase of a site for a new school in the vicinity of Thirteenth and Montague Streets NW., to cost $60,000; and for the construction of an 8-room extensible building on the site at Fifth and Sheridan Streets NW., to cost $140,000. The hearings will furnish sufficient proof that these added items are imperative in order to relieve a very deplorable condition in those sections or localities. There is no question but what a great deal along this same line will have to be done to provide for proper school facilities for this district. If there is any one thing that should not be neglected it is the public schools. For one I am willing to go much further than we have to take care of the situation. I am more concerned about our public schools in this city than I am about spending hundreds of thousands of dollars for additional parks and thousands of dollars for grading streets that will not be used for the next 10 years, or which, at most are not necessary at this time. The hearings will reveal that in many localities in this city children can go to school only a portion of the day and then give away to make room for others; that is, go to school in relays or shifts. A great many heart-breaking facts were related where little children could not be made comfortable because of the deplorable condition of the heating systems in certain school buildings. In some the lighting facilities were not good. The Budget allowed $375,000 to care for these and other conditions I have not mentioned. It is very evident this is not sufficient. The committee could see that it was not, so it added $75,000 more to this particular item and made it immediately available, trying at least to do our part in relieving, to a certain extent, this condition. That is not enough. I have had occasion to make some investigation regarding conditions of the schools of this city. I must say it is humiliating for the Capital of the United States to be placed in such a position or condition as to public schools. It is too much to ask educators of this city to work longer under such conditions. It is unfair to the children and their parents to endure such inconveniences and hardships. Tears came to the eyes of mothers who testified before our committee as they related what had to be suffered by their children and as well what they suffered because of these conditions, only a few of which I have cited. Such a condition should not exist in any community. Again I say the most essential institution for the welfare of the city and the Nation as a whole, the public schools, has been sadly neglected in the District of Columbia. It would seem those with esthetic tastes and notions about parks, memorials, and million-dollar bridges have succeeded in the past in getting the ears of Congress much better than those interested in the education of the youth of the land. In my opinion it will not be so in the future.

That is all I care to say regarding the school situation, although I could say much more. But I do want to call attention to the police situation.

POLICE DEPARTMENT

While I am interested in each item contained in this bill, there are a few in which I am intensely interested, and for that reason will only discuss those. Therefore the next item that appeals to me more than all the others, except those I have already discussed, is the question of the police system of this city. I could take up the time of this House for an hour

on this one topic and then not fully cover the subject. It is not my intention to go into the matter of the deficiency of the police force of this city or to cast reflections or make criticisms. I am convinced the police force or management is doing the best it can with the various handicaps surrounding it. In the first place, the force is altogether inadequate for a city of this size. There seems to be an idea on the part of the joint legislative committee of the District there should be an increase of the present force of anywhere from 300 to 500.

The CHAIRMAN. The gentleman has consumed 30 minutes.

Mr. AYRES. May I ask the gentleman from Minnesota for a little more time?

Mr. DAVIS of Minnesota. Mr. Chairman, I yield to the gentleman 10 minutes more

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield there?

Mr. AYRES. Yes.

Mr. SCHNEIDER. How does the police force here compare with that of other cities of the same size and population?

Mr. AYRES. It is not as large as in other cities of the same size and population; but I do think, as I was just about to say when interrupted by the gentleman, that it is absurd to think of increasing the police force here by 300 or 500.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. AYRES. Yes.

Mr. McKEOWN. Something was carried in the newspapers recently to the effect that some police board or other had reprimanded some policeman because the police officer had arrested an Army officer for a violation of the law. Does the gentleman know what was done with reference to that case? Can the gentleman tell us about it?

Mr. AYRES. No. I think that was afterwards taken up by the commissioners. If I mistake not, they found that the policeman who was censured for making the arrest of an Army officer had only done his duty, and was later exonerated by the board.

Mr. BLANTON. I will say this, that the punishment of reprimand still rests on him that was imposed by the board, but the House committee that investigated the matter exonerated him and claimed that there was no reason for the reprimand at all.

Mr. AYRES. That matter does not come within our jurisdiction. As to the question of increasing the force from 300 to 500, the situation is such that no such increase is needed, and there is no need of overdoing the thing. There is no doubt but what there should be a reasonable increase. Entertaining that idea, we have provided for an increase of 128 additional policemen, all of whom are privates, making an additional item amounting to $230,400 in this bill. This allows for 25 motorcycle cops, 60 traffic cops, and 43 for the regular force. This is ample for the time, and all that could be secured in the next fiscal year. It is useless to appropriate for more.

What is needed more than 300 or 500 additional policemen is at least two additional judges to handle and dispose of the cases now on the docket and being added to the docket at such a rate as to make it hopeless to ever catch up. There is nothing so pleasing to a violator of the law, except his actual discharge, as to know the docket is clogged and his case will not be reached for many moons, and the witnesses may be gone when it is finally called.

There should be some changes made in the District Code providing the mode of procedure in the trial of these violators. I intend to offer an amendment to this bill at the proper place and time, unless some one from the legislative committee desires to offer it, which I feel will give the necessary relief.

The section of the code I have in mind provides—

In all cases where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be $50 or more, or imprisonment as punishment for the offense may be 30 days or more, the accused shall demand a trial by jury, in which case the trial shall be by jury.

This means for every petty offense the offender can demand a jury trial where the fine exceeds $50 or 30 days in jail. In fact, it says he shall demand a jury trial. As a result of this beneficent provision seemingly for the benefit of the accused, they all demand a jury trial of 12 jurors. As a result of this provision there are at this time, or were a few days ago, on the docket pending 48 cases of fast driving of motor vehicles, 73 collision cases, 14 cases of colliding and running away without making their identity known, and many other cases; but listen to this, 117 cases pending, charged with the crime of driving or operating a vehicle while drunk. These are the criminals who are responsible for more wrecks and cripples than all others combined, and because under this provision of the code allowing them to demand a jury trial there are 117 of them enjoying this delay. They are out on bonds, some of them no doubt again getting drunk and running over people.

The highest courts throughout the Nation have held that where the party is accused of a petty offense he is not, as a matter of right, entitled to a jury trial, and an ordinance providing for the trial of such an offender by the court, denying him right of jury trial, was not unconstitutional.

In view of what I have learned of the situation relative to the handling of such cases, and the cause or causes of the seeming laxity in disposing of such cases, I intend to offer an amendment on page 55 of this bill, unless some one from the legislative committee desires to offer it. It makes no difference who offers it, just so we pass it. The amendment I suggest is as follows:

Ninety thousand seven hundred and seventy-four dollars, including compensation in accordance with the classification act of 1923 for two additional judges and such other court employees, within the limit of available funds, as the court may determine to be necessary, and of said sum $6,530 shall be available immediately: *Provided*, That in addition to the sums hereinafter appropriated for the expenses of said court and for any of said purposes there is further appropriated the sum of $22,800, of which $12,600 shall be available immediately: *Provided further*, That section 42 of the Code of Law of the District of Columbia hereby is amended so as to provide that the police court in the District shall consist of four judges, and the provisions of other sections of such code as relate to the powers and duties of employees of said court shall apply to such employments as the court may authorize in pursuance hereof, and the said court, sitting in banc, shall have power to make rules affecting the business of the court not inconsistent with law, including the selection of a presiding judge: *Provided further*, That the second paragraph of section 44 of the Code of Law for the District of Columbia hereby is amended to read as follows: "In all cases where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be more than $300, or imprisonment as punishment for the offense may be more than 90 days, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year.

The intention is to increase the fine from $50 to $300 and increase the punishment from 30 days to 90 days. That is the ordinance in practically every city throughout the country, and it enables the police judge to dispose of scores of cases, where now he can not dispose of one.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. SCHNEIDER. What is the penalty generally imposed when one is found guilty of violating the law on account of reckless driving while intoxicated?

Mr. AYRES. Three hundred dollars.

Mr. SCHNEIDER. Is that imposed in the District by the court?

Mr. AYRES. Yes; and the offender can demand a trial by jury, because it is over $50 and the punishment over 30 days, but if this amendment is adopted then he can not demand a trial by jury as a matter of right or under the provisions of the code, simply because the maximum fine is $300 and the maximum penalty 90 days in jail.

The CHAIRMAN. The gentleman from Kansas has used the 10 minutes allotted to him by the gentleman from Minnesota.

Mr. AYRES. Mr. Chairman, I yield myself 10 additional minutes.

The CHAIRMAN. The gentleman from Kansas is recognized for 10 additional minutes.

Mr. SCHNEIDER. Is the maximum fine applied by the courts of the District when the offender is found guilty?

Mr. AYRES. I could not say as to that.

Mr. SCHNEIDER. That is important.

Mr. AYRES. The gentleman means at the present time?

Mr. SCHNEIDER. Yes.

Mr. AYRES. I could not say as to that, whether it is or whether it is not. I have no record showing what the court has done in that particular.

If this amendment should be adopted, the bill will have to carry $90,774 for police-court purposes instead of $58,124.

The figure of $90,774 is arrived at as follows:

Figure in bill		$58,124
Annual compensation of—		
Two additional judges	$10,400	
Other court employees	15,720	
		26,120
One-fourth of appropriation for additional judges and employees, so that they may take office April 1		6,530
Total		90,774

The figure of $22,800 is arrived at as follows:

Additional appropriations necessary for expenses of enlarged court	$13,200
The sum of regular appropriations, $25,200, plus the extra allowance of $13,200, makes $38,400.	
One-fourth of $38,400, so that court may commence functioning on April 1	9,600
Total	22,800

The $12,600 of the latter sum, which it is provided shall be available immediately, is made up of the $9,600 plus $3,000 for court alterations, furniture, and furnishings.

This will be legislation on an appropriation bill, and of course is subject to a point of order. I feel that everyone in the city hopes that something of the kind will be done to relieve the intolerable existing conditions, therefore I hope no one will make the point of order against this amendment.

Mr. BLANTON. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. BLANTON. The Appropriations Committee is anticipating the legislative committee on this item?

Mr. AYRES. Yes; we are; and simply because, I will say to the gentleman from Texas, we have some fear that the bill which the legislative committee is preparing to report out will not be passed during this Congress. I will say to the gentleman from Texas that I consulted some of the members of the legislative committee, he being one I consulted, and we do not want to undertake to usurp the power of the legislative committee. We are perfectly willing, and in fact we would be very glad, indeed, if some member of the legislative committee will see fit to offer this amendment, because we appreciate the fact that it is subject to a point of order because it is legislation on an appropriation bill.

Mr. BLANTON. We have been working practically every day and many nights within the last few weeks.

Mr. AYRES. I know that and I have no complaint or criticism to make of the legislative committee. But the gentleman realizes the difficulties in the way of getting that bill out and passed within the few remaining days of this session of the Congress, and we thought that unless a point of order was made to the proposed amendment we could go ahead and prepare for the emergency and have the money available in case the legislative committee did not succeed in having the bill reported and passed.

I have one more suggestion to make regarding this matter, then I am through. It seems to me that this police court, either as now constituted or as it may be constituted, should we pass the proposed amendment, should be consulted when making traffic regulations. The court at the present is not consulted. This fact was brought out in the hearings, and I must confess there are a few peculiar regulations. I am satisfied if the court had been consulted those regulations I have in mind would not have been made. The court trying the violators of these regulations should at least be consulted and permitted to offer some suggestions as to the nature and kind of regulations that should be adopted.

I believe that is all I have to say, Mr. Chairman, relative to this matter, and I reserve the balance of my time. How much time have I used?

The CHAIRMAN. The gentleman used five minutes.

Mr. AYRES. So that I have 5 minutes remaining of the 10 minutes I allotted to myself?

The CHAIRMAN. Yes.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, whatever arguments may be made, and whatever opinion may be entertained for or against the change that has been made, it may be assumed that the present policy of Congress is to provide for the contribution of the United States toward the expenses of the District of Columbia an annual lump-sum appropriation, instead of providing, as heretofore, for the total expenditures on a percentage basis. A bill introduced by Representative CRAMTON proposes that the sum of $9,000,000—about the same sum carried in the pending appropriation bill—be definitely fixed as the annual appropriation.

If the lump-sum policy is to be maintained, as now seems probable, it may be urged that the Cramton proposal would have the merit of relieving the future of any uncertainty as to the yearly amount of the contribution. But on the other hand, it can, I think, be urged with greater force that a rigid determination in advance of the amount to be contributed is objectionable, because it would inflexibly forbid Congress, unless the legislation should be repealed or amended, from taking into account year by year factors which conceivably might lead to the conclusion that the sum of $9,000,000 should not be taken as a fair measure of the Government's contribution.

The new policy which substitutes a definite amount to be received from the Government instead of 50 per cent or 40 per cent or any other percentage of the total expenditures, should lead to some such further readjustment of the existing fiscal relations between the Government and the District as I shall now take the liberty of outlining.

When the Bureau of the Budget was created it was authorized by the law which is still in effect to include District expenditures in its estimates. It can hardly be doubted that the reason for this was that the percentage basis was then being observed, and there was no suggestion of its abandonment, and the Government was thus presently and prospectively in a sort of partnership with the District with respect to expenditures of every character. Upon the adoption of the lump-sum policy, this reason disappears. Under the former condition, it was, in the judgment of many, altogether reasonable that the bureau should make up the total estimates. But this was never desirable, since the primary function of the bureau is to survey the activities of the departments and estimate for their needs. It was always anomalous and extraordinary that to this primary function should be added the difficult and laborious duty of dealing in a similar manner with a municipal situation, having the same varied and increasing activities as other cities where there is a rapid growth of population and infinite details to be considered. The officials of the bureau have necessarily less information about the municipal situation than the local authorities, who are constantly in touch with its conditions and requirements.

The commissioners, under whose supervision the local government is conducted, are entitled to the confidence of Congress and the Executive. Their appointment is authorized by Congress. They are appointed by the President, who can remove them. The official force which is under their control compares favorably with that of any other city in the country. It is confessedly efficient, and to an extent its efficiency is due to the fact that it is more nonpartisan than in many other cities.

The commissioners are in better position than the bureau to prepare and submit annual estimates to Congress and to be finally passed on in such manner as is now or will be hereafter provided. The final action of Congress would restrain any conceivable injustice to the taxpayers and the people generally which the estimates of the commissioners might at any time involve. But in the absence of any showing of injustice in the way of extravagance or neglect or indifference it may be taken for granted that Congress would approve the estimates, inasmuch as every dollar over and above the lump-sum appropriation would neither directly or indirectly create a call upon the Treasury, but be paid by the people of the District. The situation would simply parallel that which obtains in other cities under the cooperation of the local executive and administrative branches.

The detachment of the bureau from the affairs of the District could be brought about without the slightest burden to the Federal Government by a simple modification of the Budget law to remain effective at least while the lump-sum policy is in effect.

Mr. MADDEN. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. MADDEN. The gentleman does not want the country to understand that if the people of the District of Columbia paid all the expenses, without any contribution whatever from the Federal Treasury, the Congress ought not thereafter to have a restraining hand over the recommendations of any body that might be authorized to make such recommendations?

Mr. MOORE of Virginia. No. I have just said I think Congress ought to retain its control. No question is raised as to that. I am only discussing the very unusual duty that is imposed upon the bureau of looking over the affairs of a municipality, a growing municipality, and making estimates for its needs, a thing that does not happen in any other municipality of the country.

Mr. MADDEN. This is just one additional safeguard to prevent extravagance and waste of the money paid into the Treasury by the taxpayers in submitting the estimates through the Budget.

Mr. MOORE of Virginia. I do not think that, except for the fact that the percentage basis was in effect at the time the

Budget law was enacted, there would have been written anything with reference to the District in that law. I think Congress would have trusted the commissioners to send in the estimates, retaining, of course, authority to examine those estimates over and determine what should be done with them.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. GARNER of Texas. I think the gentleman from Virginia is correct about the philosophy of the Budget. The Budget was intended to take care especially of expenditures out of the Treasury of the United States. The commissioners under the present arrangements make their estimates to the Budget and the Budget then transmit their estimates of District expenditures to the Congress. It seems to me, if the lump-sum appropriation theory is adopted, then it would be nothing but fair that the District Commissioners, representing the people of the District, should submit their estimates direct to the Congress; or, rather, that the Budget, under the present law, ought to send the estimates of the District Commissioners to the Congress and let the Congress pass on the advisability of adopting them.

Mr. MOORE of Virginia. That is what I suggest.

Mr. MADDEN. I would not object to that, but I would object to the acceptance of the Budget estimates either from the Budget or from the commissioners without any right to visé them and reduce them.

Mr. GARNER of Texas. I agree with the gentleman about that absolutely.

Mr. MADDEN. Because, after all, somebody somewhere must be in authority to protect the rights of the man who has nothing to say about the estimates but pays the taxes.

Mr. GARNER of Texas. I think the gentleman is right about that.

Mr. MOORE of Virginia. I may state again to my friend from Illinois [Mr. MADDEN] that if the District were taken out of the Budget system the estimates would be made by the commissioners, the appointees of the President. Those estimates would, of course, be sent to Congress, and then the appropriate committees in Congress would deal with them. That would serve, it seems to me, to amply safeguard the people of the District, and, as I have just said, there would be no need to safeguard the Federal Government, because the new policy is to limit the contribution of the Federal Government to a lump sum. What I am proposing would parallel the situation that exists in Chicago and in other cities.

Mr. MADDEN. This is what happens in Chicago: The controller submits the estimates, which are submitted to him by the heads of the different departments. The finance committee then takes up the estimates and considers them for appropriation, and as they make the appropriations they levy a tax. They make the tax levy at the same time. The finance committee attaches to the appropriation bill a resolution involving a tax levy to cover the amount of the appropriation; that is, such appropriations as are raised from taxation and not from miscellaneous sources; and it never happens that the finance committee approves all the estimates submitted to it for the conduct of the city government.

Mr. MOORE of Virginia. But the point I am making is that in Chicago it is all done by the local authorities.

Mr. MADDEN. That is quite true.

Mr. MOORE of Virginia. Here if the Budget Bureau were not functioning it would be done by the local authorities, but subject to the control of the Congress.

Mr. MADDEN. Yes; certainly.

Mr. MOORE of Virginia. And Congress could be trusted. Therefore, why retain the Budget Bureau in connection with District affairs?

Mr. MADDEN. It can not do any harm.

Mr. GARNER of Texas. Will the gentleman from Virginia yield for a suggestion?

Mr. MOORE of Virginia. Yes.

Mr. GARNER of Texas. I realize that the gentleman from Virginia and his colleague, who is now on his feet, the gentleman from Maryland [Mr. ZIHLMAN], are probably more interested in the District of Columbia and come nearer taking an interest in its general affairs than probably any other two men in the House on account of their proximity and the fact that so many of their constituents probably labor in the District of Columbia.

Mr. MADDEN. I will say to the gentleman from Texas I am as much interested in the District as anybody.

Mr. GARNER of Texas. I know you are, and so am I; but I mean that these gentlemen are here and they are influenced in their actions sometimes by their constituents and the views of their constituents just like the gentleman from Illinois is influenced by his constituency sometimes more than they influence me.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. AYRES. I yield the gentleman from Virginia five minutes more.

Mr. GARNER of Texas. I want to make a suggestion to the gentleman, and that is that the gentleman bring his tremendous influence to bear upon the people of the District and get them if he can to agree to the lump-sum appropriation principle. I will tell the gentleman the reason. You would then do away with the prejudice in Congress against the District people on account of the fact that there is the thought that each year they are trying to get their hooks into the Treasury when it is not authorized by the circumstances. When you once get the lump-sum appropriation established as the policy of Congress, then Congress takes no further interest, in a way, in the expenditures of the District of Columbia.

Mr. MADDEN. But Congress should take an interest.

Mr. GARNER of Texas. Congress will take an interest to the extent they will not permit the commissioners to abuse their power.

Mr. MADDEN. That is the point.

Mr. GARNER of Texas. I agree to that, of course. But they would not constantly be in here demanding a little bit more money——

Mr. MADDEN. They probably would not demand it if they knew they had to pay it themselves.

Mr. GARNER of Texas. That is it exactly.

Mr. MOORE of Virginia. One reason for this discussion, so far as I am concerned, is that, in my opinion, the lump-sum appropriation thereof may be regarded—for how long no one can predict—as the policy of Congress.

Mr. GARNER of Texas. The commissioners ought to say how much the District should spend, and I think the Budget should send it to Congress and let Congress pass on it. I do, however, insist that we ought to have a policy as to how much we are going to contribute to the District of Columbia.

Mr. BLANTON. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BLANTON. The gentleman spoke of the aldermen in Chicago being comparable to the Commissioners of the District.

Mr. MOORE of Virginia. Oh, I did not say anything of that kind.

Mr. BLANTON. The gentleman's remarks tended to indicate that.

Mr. MOORE of Virginia. The gentleman may have inferred that.

Mr. BLANTON. The commissioners are not elected by the people here, they are appointed by political power. There should be some control of the manner in which they spend the taxpayers' money.

Mr. MOORE of Virginia. My friend must not forget that Congress always has had the final authority, and still has it, to decide what shall be expended.

Mr. BLANTON. I am in favor of that, but I am not in favor of accepting the ipse dixit of the commissioners as to the amount of money that shall be spent.

Mr. MOORE of Virginia. I do not think that anybody has ever contended for that.

Mr. BLANTON. I gathered that from the gentleman's remarks.

Mr. MOORE of Virginia. The gentleman misunderstood me. Up to this point I have simply contended that the estimates should be made and submitted by the commissioners to Congress without being increased or diminished by the bureau, and then acted on by Congress.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. ZIHLMAN. I take it from the gentleman's remarks that he is not in favor of the procedure followed in the matter of snow removal by the gentleman from Kansas, where the commissioner charged with the responsibility of cleaning the streets was forced to go to the Director of the Budget?

Mr. MADDEN. Oh, they would not use the money they had.

Mr. ZIHLMAN. As I remember, the chairman of the subcommittee said they had already used more than half of their money.

Mr. MADDEN. They had $180,000 on hand when the snow fell, and they did not use 180 cents. They let the snow stand until it was frozen, and then they had to use dynamite—not exactly, but figuratively speaking—to remove the snow. If they had begun to remove it the night that it fell they could have removed it with brushes or brooms. Let them remove the snow, and then if they do not have enough money let them come to Congress and ask for more.

Mr. ZIHLMAN. But you have not provided any additional amount in this bill.

Mr. MADDEN. They do not know what to do with the money they now have.

Mr. MOORE of Virginia. I do not care to dwell upon the illustration given by the gentleman from Maryland, but I will say this, that in the experience of every government, national, State, or municipal, the time arrives when an emergency exists and when there has to be an expenditure in excess of existing appropriations.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. MADDEN. I ask that the gentleman from Virginia be given two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. A commissioner came to me as chairman of the Committee on Appropriations and asked me if I would agree that an emergency appropriation would be made. I told him I had no authority to agree to anything, but that if I were in his position under the city government I would do my duty and clean the streets, and then I would find out whether I could get the money or not.

Mr. MOORE of Virginia. But the law penalizes him.

Mr. MADDEN. It does not; he had the money and there was an emergency.

Mr. MOORE of Virginia. Of course if he had the money there was no unusual condition. I do not know whether he had the money or not.

Mr. ZIHLMAN. They had the money to spend, but they had spent more than half of the appropriation and there was six months yet to go.

Mr. MOORE of Virginia. Nothing I said prior to the colloquy which has occurred presupposes that there should or could be any limit to the legislative power of Congress over the District, although I concur in the opinion recently expressed on the floor of the House by some of the members of the Committee on the District of Columbia and by others that Congress might wisely rid itself of much of the minor District legislation which it now considers by leaving to the commissioners more fully than now the disposition of many questions of a routine and comparatively trifling character. In that connection it was urged, as I formally proposed some time ago, that District business should be intrusted to a joint committee of the two Houses rather than as at present to two large independent committees. This plan would enable a single committee to frame and report legislation with a view of determining to what extent the commissioners should be enabled to handle matters that might properly be made the subject of ordinances instead of being made the subject of congressional enactments. It is my own view that this committee might also very properly be given authority to report District appropriation bills by transferring to it the authority now exercised by the Committee on Appropriations, whose work is of such great magnitude and which can not, under the rules of the House, write any legislation in an appropriation bill as a joint committee might fairly be permitted to do. But, of course, it should be understood that the question as to whether estimates for the future should be made by the bureau or by the commissioners is not to any extent dependent upon the point which is now being suggested relative to the concentration of District business in a joint committee having full power to act promptly and without undue waste of the time of Congress in transacting District business. The more one thinks of the value that would pertain to such a unification the stronger, I think, becomes the impression of the good results to which it would lead.

I shall barely touch upon changes in the structure of the District government which have been advocated. While I can see good ground for the contention that it would be to the general advantage of the people of the District to be enabled by a constitutional provision to have voting representation in Congress and to participate in the election of the President and Vice President, I do not believe there would be any advantage, but on the contrary believe it would be disadvantageous, to displace the present arrangement by such an arrangement as ordinarily exists in other municipalities.

The appropriation bill which is now being considered has been commended for its liberality to the District. It goes further than any of the District appropriation bills during my time here in taking care of immediate needs. But it does not attempt to provide for a number of permanent improvements which should be made, and which in other municipalities are ordinarily made, not by taxation, but by funds derived from the issue and sale of bonds. I shall append to my remarks a list of such improvements, or some of them, as now seem necessary or desirable, and for this enumeration I am indebted to the able and efficient auditor of the District.

It will be noted that the items listed by the auditor total nearly $55,000,000. Since the list was compiled a bill has been passed which will take care of a small percentage of the improvements indicated.

Of course, a bonded indebtedness is not to be encouraged when it can be dispensed with. It is significant that since 1878 the District has never had a bond issue designed for the direct purpose of applying the proceeds to permanent improvements. The issue of $15,000,000 of 3.65 bonds which was authorized in 1874 was purely a funding loan, to take up various debts incurred under previous forms of government. Those bonds have been recently retired. At this time, with the exception of Washington, I understand, there is no city in the country with a population exceeding 30,000 which has not bonds outstanding which in the main have been issued for the purpose of making permanent improvements which will be enjoyed not only by the people living at the time when the indebtedness was created, but by people of other generations. Should such a survey by Congress be made as has been proposed, in order to decide what authority should be conferred upon the Commissioners of the District, one of the questions that ought to receive consideration is the question just mentioned. It is a question that concerns not only the maintenance of the city as it is, but work that should be carried on to make the city, which is now rapidly growing, what it should be, and what undoubtedly the people of the country desire it to be. Should the conclusion be reached that taxation will meet the requirements and afford a fair and sufficient substitute for the creation of a moderate bonded indebtedness, the District will continue to occupy the fortunate position which it now holds among the almost countless cities or towns of the United States, each of which has a bonded debt.

Necessary improvements

SEWERS		
Urban sewers	$619,495	
Suburban sewers	2,482,020	
Assessment sewers	410,500	
Interceptors	685,000	
		$4,197,015
School buildings and sites necessary to provide full time for all children, permit replacement of buildings recommended for abandonment in 1908, abandonment of five other buildings, to eliminate the use of portables, and to reduce oversize classes		10,000,000
FIRE DEPARTMENT		
New motor apparatus	$213,500	
New house and drill tower	281,000	
		494,500
POLICE DEPARTMENT		
Vehicle-storage space and motor-vehicle repair shop on land adjoining No. 7 police station	54,000	
Central police station, to include accommodations for police headquarters	350,000	
Site and station house in the vicinity of Bennings	65,000	
New building for substation at Tennallytown	50,000	
		519,000
STREETS AND BRIDGES		
Street paving	5,000,000	
Engineer department yards and shops	400,000	
Suburban store yards, five at $20,000	100,000	
Asphalt resurfacing (500,000 square yards at $2.50; 250,000 square yards at $4.50)	2,375,000	
Elimination of grade crossings	600,000	
New Chain Bridge	366,000	
New Pennsylvania Avenue SE. Bridge	651,000	
New Bennings Bridge	470,000	
Prospect Street approach to new Key Bridge	120,000	
Connecticut Avenue Bridge at Klingle Ford	380,000	
		10,462,000
WATER SERVICE		
New third high-service reservoir and additional land (Reno)	320,000	
Anacostia first high-service reservoir on Fort Davis, Government land, with pipe lines	259,000	
Trunk mains	423,400	
Installation of water meters	200,000	
Extension of water distribution system	797,600	
		2,000,000
CITY REFUSE SERVICE		
Purchase of Cherry Hill (Va.) property on which garbage disposal plant is located	30,000	
Reconstructing, etc., buildings, etc., at garbage disposal plant	50,000	
Purchase of property in northeast section of District for the erection of stables and garage	250,000	
Purchase of trash plant, for which District now pays a rental of $11,500 a year	75,000	
Erection of concrete garage at transfer station	30,000	
Electric charging equipment for electric trucks	5,000	
		440,000
High-pressure fire protection for the congested, high-value area, B Street NW. to I Street NW., and First Street NW. to Seventeenth Street NW		2,000,000
New building for the recorder of deeds and the municipal court		750,000

ELECTRICAL DEPARTMENT		
Modernizing the street-lighting system	$1,210,000	
Extension and relocation of the police patrol system	10,000	
Modernizing the police patrol system	25,000	
Extension and relocation of the fire-alarm system	40,000	
Additional cables for the underground system	10,000	
Enlarging the fire-alarm headquarters apparatus	5,000	
		$1,300,000
PARKS		
Now necessary to acquire to preserve natural scenery and prevent private development		11,000,000
(The ultimate cost of the acquisition of land, roughly estimated, by the new National Capital Park Commission, is $40,000,000, of which about $20,000,000 will be needed within the limits of the District of Columbia and an equal amount outside of those limits. The item of $11,000,000, shown above, is the amount that is now said to be necessary to acquire certain tracts of ground within the District of Columbia before the present natural scenery is destroyed by private development.)		
INSTITUTIONS		
Erection and equipment of necessary ward buildings at the Gallinger Municipal Hospital	$850,000	
Building for contagious diseases at the Gallinger Municipal Hospital	350,000	
Necessary buildings beyond those already authorized for the Home and School for Feeble Minded	1,635,000	
		2,835,000
Total, necessary improvements		45,997,515
DESIRABLE IMPROVEMENTS		
SEWERS		
Urban sewers	$550,500	
Suburban sewers	785,750	
Assessment sewers	859,500	
Interceptors	554,000	
		2,749,750
STREETS AND BRIDGES		
Removal of old Aqueduct Bridge	250,000	
New Calvert Street Bridge	1,200,000	
Washington Channel docks (improvement of water front)	1,000,000	
North Plaza, new Key Bridge	200,000	
Widening of streets (20 squares at $20,000 each)	400,000	
		3,050,000
WATER SERVICE		
Replacement of old mains		1,000,000
New armory for the National Guard of the District of Columbia		2,000,000
Total, desirable improvements		8,799,750
Total, necessary and desirable improvements		54,797,265

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. DAVIS of Minnesota. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12033, the District of Columbia appropriation bill, and had come to no resolution thereon.

ADJOURNMENT

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Friday, February 6, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

846. A communication from the President of the United States, transmitting a communication from the Postmaster General, submitting an estimate of appropriation in the sum of $2,514, to pay 66 claims which he has adjusted under the act of December 28, 1922 (H. Doc. No. 601); to the Committee on Appropriations, and ordered to be printed.

847. A letter from the Secretary of the Interior, transmitting report of the Commissioner of Patents for the calender year 1924; to the Committee on Patents.

848. A letter from the Secretary of the Navy, transmitting report of disposition of useless papers in the files of the navy yards, naval stations, etc., during the calender year 1924; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KELLER: Committee on District of Columbia. H. R. 12002. A bill to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes; with amendments (Rept. No. 1386). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. S. 2718. An act to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steampship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable;* without amendment (Rept. No. 1391). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Kansas: Committee on Indian Affairs. S. 3346. An act to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes; with an amendment (Rept. No. 1392). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee on Indian Affairs. S. 4014. An act to amend the act of June 30, 1919, relative to per capita cost of Indian schools; without amendment (Rept. No. 1393). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDSON: Committee on Indian Affairs. H. R. 9062. A bill conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims of whatever nature which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes; with amendments (Rept. No. 1394). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Maryland: Committee on Military Affairs. H. R. 12064. A bill to recognize and reward the accomplishment of the world flyers; without amendment (Rept. No. 1395). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Maryland: Committee on Military Affairs. S. 3630. An act authorizing the Secretary of War to convey to the Federal Land Bank of Baltimore certain land in the city of San Juan, P. R.; without amendment (Rept. No. 1397). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FULLER: Committee on Invalid Pensions. H. R. 12175. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 1385). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 9955. A bill for the relief of Joseph L. Keresey; without amendment (Rept. No. 1388). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 2301. An act for the relief of Thomas G. Patten; without amendment (Rept. No. 1389). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on the Public Lands. S. 3830. An act to authorize and direct the Secretary of the Interior to issue patents upon the small holding claims of Constancio Miera, Juan N. Baca, and Filomeno N. Miera; without amendment (Rept. No. 1390). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 958. A bill for the relief of Mary Davis; without amendment (Rept. No. 1396). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11413) granting an increase of pension to Mary C. Corbett, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FULLER: A bill (H. R. 12175) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House.

By Mr. SNELL: A bill (H. R. 12176) to establish a Federal jail and penitentiary within the first or second judicial circuit of the United States; to the Committee on the Judiciary.

By Mr. MADDEN: A bill (H. R. 12177) to permit the United States of America to be made defendant, and to be bound by decrees and final judgments entered, in land-title registration proceeding in the circuit court of Cook County, Ill., and courts of appeal therefrom, under the provisions of an act concerning land titles in force in the State of Illinois May 1, 1897; to the Committee on the Judiciary.

By Mr. EDMONDS: A bill (H. R. 12178) to relieve Congress from the adjudication of certain claims; to the Committee on Claims.

Also, a bill (H. R. 12179) to create a cause of action for compensation in damages for injuries sustained and death resulting from injuries to any person through the wrongful act or omission by an agent, officer, or employee of the United States Government, and to provide the procedure therefor; to the Committee on Claims.

By Mr. BLOOM: A bill (H. R. 12180) to reduce passport fees and eliminate visé regulations; to the Committee on Foreign Affairs.

By Mr. WELLER: A bill (H. R. 12181) to amend section 722 of the Revised Statutes; to the Committee on the Judiciary.

By Mr. McLEOD: Resolution (H. Res. 431) for the consideration of H. J. Res. 190, to amend section 3 of the joint resolution for the purpose of promoting efficiency for the utilization of the resources and industries of the United States, approved February 8, 1918; to the Committee on Rules.

By Mr. NEWTON of Minnesota: Concurrent resolution by the State Legislature of Minnesota, memorializing the President and the Congress of the United States relative to an increase of duties upon dairy and other agricultural products; to the Committee on Agriculture.

Also, resolution by the Minnesota State Legislature, memorializing the Congress of the United States to enact legislation to restore equality to agriculture; to the Committee on Agriculture.

Also, resolution of the State of Minnesota, memorializing Congress to so amend the act of Congress known as the packers and stockyards act so as to prohibit States furnishing stockyards service from being discriminated against in favor of private agencies; to the Committee on Agriculture.

By the SPEAKER (by request): Concurrent resolution of the State Legislature of the Commonwealth of Pennsylvania memorializing the Congress of the United States to adopt legislation which will provide for retirement privileges for disabled emergency officers of the Army the same as offices of the Regular Army; to the Committee on Military Affairs.

By Mr. KELLER: Memorial of the Legislature of the State of Minnesota, petitioning Congress relative to an increase of duties upon dairy and other agricultural products; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN: A bill (H. R. 12182) granting a pension to Kate S. Johnson; to the Committee on Invalid Pensions.

By Mr. EVANS of Montana: A bill (H. R. 12183) granting an increase of pension to Mary Jane Dillen; to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 12184) granting a pension to Luther Leroy Funkhouser; to the Committe on Invalid Pensions.

By Mr. PRALL: A bill (H. R. 12185) for the relief of Paul Tavetian; to the Committee on Claims.

By Mr. TYDINGS: A bill (H. R. 12186) granting a pension to George W. King; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 12187) granting a pension to Sophie Kahle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12188) granting an increase of pension to Amanda J. Farrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12189) granting an increase of pension to Isabel Williams; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 12190) granting an increase of pension ot Mary L. Craver; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3653. By the SPEAKER (by request): Petition of St. Louis postal clerks urging the passage of the Kelly bill to increase the salaries of the postal employees before adjournment of Congress; also from A. J. Krummenacher, 5001 Delmar Boulevard; also from the Crookston Association of Public Affairs, Olga Bratton, secretary; to the Committee on the Post Office and Post Roads.

3654. By Mr. BARBOUR: Resolution adopted by the California State Board of the National American War Mothers indorsing the bill known as the universal service draft law; to the Committee on Military Affairs.

3655. By Mr. CULLEN: Petition of New York State Forestry Association indorsing the purposes of the game refuge public shooting grounds bill and urging its prompt passage by Congress; to the Committee on Agriculture.

3656. By Mr. GALLIVAN: Petition of R. M. Bradley & Co., Boston, Mass., protesting against Senate bill 3764 and House bill 11078 providing for the establishment of a permanent rent commission for the District of Columbia; to the Committee on the District of Columbia.

3657. By Mr. HICKEY: Petition signed by about 300 citizens of South Bend, Ind., opposing the passage of the Jones Sunday observance bill; to the Committee on the District of Columbia.

3658. By Mr. O'CONNELL of Rhode Island: Petition of Providence Real Estate Exchange protesting against the passage of House bill 11708, "A bill to create and establish a commission as an independent establishment of the Federal Government to regulate rents in the District of Columbia"; to the Committee on the District of Columbia.

3659. By Mr. PATTERSON: Memorial of the Legislature of the State of New Jersey indorsing appropriate legislation for the creation within the State of New Jersey of a Federal institution for the humane care and treatment of disabled and infirm veterans of the World War; to the Committee on World War Veterans' Legislation.

3660. By Mr. PATTERSON: Memorial of the Legislature of the State of New Jersey, indorsing legislation to prevent lynching and to guarantee to the United States the equal protection of the law; to the Committee on the Judiciary.

3661. Also, memorial of New Jersey State Federation of Women's Clubs, indorsing a World Court on the basis of the Harding-Hughes reservations; to the Committee on the Judiciary.

3662. By Mr. RAKER: Petition of the Pacific Traffic Association, of San Francisco, Calif., protesting against a general revision of the freight rate structure of the United States; also protesting against the Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

3663. Also, petition of City Club of New York City, N. Y., indorsing the bills (S. 2287 and H. R. 7014) providing for the sale of the Hoboken Shore Line Railroad; to the Committee on Military Affairs.

3664. Also, petition of Mrs. Jugo Jung and Mrs. David Scott, committee of Woman's Club of Kerman, Calif., urging the entrance of the United States to the World Court; to the Committee on Foreign Affairs.

3665. Also, petition of post office employees of Grass Valley, Calif., urging passage of postal salary increase legislation; also Direct Mail Advertising Association, Detroit, Mich., protesting against increase of postal rates; to the Committee on the Post Office and Post Roads.

3666. Also, petition of San Francisco Chapter, American Institute of Architects, San Francisco, Calif., indorsing the Elliott bill for public buildings; to the Committee on Public Buildings and Grounds.

3667. Also, petition of Joseph F. Coleman, San Francisco, Calif., urging development of aircraft and submarines as necessary factors of defense; N. S. Young, of Roseville, Calif., urging development of aircraft and establishment of airplane factory and airplane flying school; E. K. Howe, of San Francisco, Calif., protesting against the development of aircraft or any other preparedness measure; to the Committee on Military Affairs.

3668. Also, petitions signed by E. G. Wilcoxon, Auburn, Calif.; W. A. Shepard, Auburn, Calif.; Albrecht Lorenz, San Francisco, Calif.; A. P. Ruck, of San Francisco, Calif.; C. R. Kamman, San Francisco, Calif.; Carl E. Mehl, Auburn, Calif.; Alfred Reno, Auburn, Calif.; all indorsing and urging the passage of House bill 11798 and Senate bill 3920, for the relief of veterans, widows, and orphan children of the Indian wars; to the Committee on Pensions.